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CONTENTS

ADVOCATING EDUCATIONAL ADEQUACY AND MEANINGFUL OPPORTUNITY: THE BALL IS IN THE STATE COURTS 187
DAVID MCGEORGE

A QUALITY PUBLIC EDUCATION FOR ALL – THE USES OF LAW TO TRANSLATE THEORY INTO PRACTICE 205
THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

ADVOCATING EDUCATIONAL ADEQUACY AND MEANINGFUL OPPORTUNITY: THE BALL IS IN THE STATE COURTS.

David McGeorge[1]

"Dollar bills don't educate students." [2]

- President George H. W. Bush.

"Only a fool would find that money does not matter in education."[3]

- The Hon. Howard E. Manning Jr., Judge, State of North Carolina Superior Court, Tenth District.

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[1] Rutgers School of Law- Camden, 2009

Directed Research submitted to Professor Donald K. Joseph, April 27, 2010, as edited and amended by Professor Joseph, to provide PILCOP specific involvement, assisted by Michael Churchill and Rachele Van Arsdale, Rutgers School of Law - Camden, Class of 2012

[2] MICHAEL A. REBELL & JOSEPH J. WARDENSKI, OF COURSE MONEY MATTERS: WHY THE ARGUMENTS TO THE CONTRARY NEVER ADDED UP 5 (2004) (quoting Susan Chira, *Spending and Learning: Money's Role Questioned in Schools Debate*, N.Y. TIMES, May 4, 1991, http://www.nytimes.com/1991/05/04/us/spending-and-learning-money-s-role-questioned-in-schools-debate.html), *available at* http://www.schoolfunding.info/resource_center/research/MoneyMattersFeb2004.pdf.

[3] *Id.* (citing Hoke Cnty. Bd. of Educ. v. State, No. 95CVS1158, 2000 WL 1639686, at *57 (N.C. Super. Ct. 2000)).

I. INTRODUCTION.

Poverty in the United States of America continues to present a seemingly intractable problem for our society. The percentage of Americans living in poverty climbed to 14.3 percent in 2009, the highest level recorded since 1994.[4] The Census Bureau reported that one in five children is now affected by poverty.[5] One of the foremost problems faced by impoverished Americans, who are disproportionately people of color or Hispanic origin,[6] is the lack of adequate educational opportunity that is necessary to break the cycle of poverty. The benefits that accrued when the United States Supreme Court decided *Brown v. Board of Education*[7] in 1954 did not extend to educational financing; indeed, the "egalitarian vision"[8] of *Brown* was curtailed in this area by the Court's subsequent decision in the *Rodriguez*[9] case in 1973.

Rodriguez forced plaintiffs back into the state courts to find remedies for inadequate and inequitable educational funding systems where some progress has been made.[10] Also

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[4] Erik Eckholm, *Recession Raises Poverty Rate to a 15-Year High*, N.Y. TIMES, Sept. 16, 2010, http://www.nytimes.com/2010/09/17/us/17poverty.html. The number of Americans living at or below 125% of the poverty line, as a percentage of the population as a whole, has decreased less than 1% between 1980 and 2007. US CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES, tbl. 695, *available at* http://www.census.gov/compendia/statab/2010/tables/10s0695.pdf. While the footnoted sentence is an update to the current state of affairs, in the federal funding and implementation area, no such updating to take into account Obama Administration initiatives since the original creation of this paper has been attempted.

[5] Eckholm, *supra* note 3.

[6] *See* Michael A. Rebell, *Poverty, "Meaningful" Educational Opportunity, and the Necessary Role of the Courts*, 85 N.C. L. REV. 1467, 1471 (2007) [hereinafter Rebell, *Poverty*].

[7] Brown v. Bd. of Educ., 347 U.S. 483 (1954).

[8] Rebell, *Poverty*, *supra* note 5, at 1469.

[9] San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973).

[10] Rebell, *Poverty*, *supra* note 5, at 1500-10.

muddying the waters of education finance, especially as it relates to the disparities between poor schools and wealthy ones, is the current reauthorization of the Elementary and Secondary Education Act (ESEA), known as the No Child Left Behind Act (NCLB). This paper will explore the history of litigation in the area of education finance and the current status of the federal efforts to ameliorate educational inequity through NCLB, with concluding remarks reviewing the potential for change on the state level, where most school funding is sourced.

II. EDUCATION LITIGATION - THE FIRST WAVE.

The Supreme Court's decision in the *Rodriguez* case in 1973 marked a significant shift in education law. Nearly two decades had passed since the landmark *Brown* decision, in 1954, which ended public school segregation (at least, officially)[11] as "separate and unequal." Chief Justice Earl Warren, writing for a unanimous court, eloquently stated the importance of education in American society:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.[12]

Clearly, equal opportunity of education is crucial to maintaining our democratic ideals. Just two years before *Rodriguez*, the California Supreme Court, in the *Serrano* case, found a fundamental right to education under the United States

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[11] *See* Michael A. Rebell, *Educational Adequacy, Democracy, and the Courts*, *in* ACHIEVING HIGH EDUCATIONAL STANDARDS FOR ALL 218, 219-20 (2001) [hereinafter, Rebell, *Educational Adequacy*]. It would take years of back and forth litigation in the federal courts before the Supreme Court finally ordered states with segregated school systems to enforce the holding in *Brown*. Ultimately, that decision, Green v. Cnty. Sch. Bd., 391 U.S. 430 (1968), was handed down a mere five years before *Rodriguez*.

[12] *Brown*, 347 U.S. at 493.

Constitution based on *Brown*.[13] *Rodriguez* squarely rejected *Serrano*.[14] Despite the "logic of *Brown*," the Court in *Rodriguez* failed to extend *Brown* to require that adequate funding be provided to schools that remained, despite that earlier decision, unequal.[15] Justice Powell, leery of a slippery slope in which fundamental rights to such things as clothes and food could be inferred from a finding such a right to education,[16] found that despite the obvious inequality of the Texas education finance system, it was nevertheless rationally based in a legitimate government interest and therefore passed constitutional muster under the Equal Protection Clause of the Fourteenth Amendment.[17]

Also of concern to the Court in *Rodriguez*, at least impliedly, was the questionable role of money in education to achieve results.[18] With the passage of the Civil Rights Act in 1964, the federal government commissioned a report on the U.S. educational system. Released in 1966, the Coleman Report (so-called for its principal author, sociologist James S. Coleman) reached a startling conclusion: namely, that "schools bring little influence to bear on a child's achievement that is independent of his background and general social context."[19] Armed with such evidence as to the efficacy of education funding, the Supreme Court in *Rodriguez* felt it had to draw the line and declare

---

[13] Serrano v. Priest, 487 P.2d 1241, 1258 (Cal. 1971) ("We are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a 'fundamental interest.'") The *Rodriguez* Court reached the opposite conclusion. *See* 411 U.S. at 35.

[14] *See* Kara A. Millonzi, *Education as a Right of National Citizenship Under the Privileges or Immunities Clause of the Fourteenth Amendment*, 81 N.C. L. REV. 1286, 1293 (2003).

[15] Rebell, *Poverty, supra* note 5, at 1497-98.

[16] *Rodriguez*, 411 U.S. at 37.

[17] *Id.* at 55.

[18] REBELL & WARDENSKI, *supra* note 1, at 10.

[19] *Id.* at 8-9. Somewhat conversely, Coleman also found, just as the Court decided in *Brown*, that African-American students fare better academically in an integrated setting. *See* Barbara J. Kiviat, *The Social Side of Schooling*, JOHNS HOPKINS MAG., Apr. 2000, http://www.jhu.edu/~jhumag/0400web/18.html.

education to be less than a fundamental right, and poverty, at least in the realm of public education, would not be a protected class under the Fourteenth Amendment.

III. EDUCATION LITIGATION - THE SECOND WAVE

Shunted by relying on the federal constitution, plaintiffs continued to seek redress of educational finance inequality in the state courts, relying on provisions in state constitutions. Plaintiffs argued for equal protection to equalize "per-pupil spending."[20] In the aftermath of *Rodriguez*, plaintiffs seeking equal protection under a state constitution were successful in New Jersey and California,[21] in part because education is primarily the responsibility of the states and not the federal government, and the contrary federal decision could be distinguished.[22] Still, enforcement of these decisions became difficult.[23] While state courts could easily find educational funding inequities to be violative of the state constitution, without an order from the court specifying the remedy or imposing sanctions, the redress of that inequity remained the problem of the state legislature.[24] Funding equalization was not easily achieved under these decisions, as state legislators struggled to come up with equitable educational funding

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[20] C. Joy Farmer, *The No Child Left Behind Act: Will It Produce a New Breed of School*

Financing Litigation?, 38 COLUM. J.L. & SOC. PROBS. 443, 461-62 (2005). These cases are commonly referred to as equity cases or equity decisions.

[21] *Id.* The New Jersey case was *Robinson v. Cahill*, 303 A.2d 273 (1973), precursor to the *Abbott* litigation, and in California, it was the continued litigation of *Serrano v. Priest,* 487 P.2d 1241 (1971). *See also infra* notes 31-32.

[22] Rebell, *Educational Adequacy, supra* note 10, at 226-27. *See also* Edgewood Indep. Sch. Dist. v. Kirby, 777 S.W.2d 391 (Tex. 1989) (holding the state's educational financing system violated TEX. CONST. art. VII, §1 which requires that the State Legislature establish "an efficient system of free public schools").

[23] Rebell, *Educational Adequacy*, *supra* note 10, at 226-27.

[24] *Id.*

schemes, if they undertook the problem at all.[25] Other states took notice; later, similar actions in those other states resulted in those states' courts essentially following *Rodriguez*.[26]

IV. EDUCATION LITIGATION - THE THIRD WAVE.

By the mid-1980s, litigating under an equity argument model (i.e., on issues of equal protection and per-pupil spending) became a less effective means of challenging existing state education finance schemes. Plaintiffs then began to look to education clauses in the various state constitutions, which set forth the state's obligation to provide a free public education.[27] Although the states employ various constructions in their education clauses,[28] this wave of education finance litigation is often referred to as "the adequacy decisions," stemming from the phrase found in some state constitutions that guarantees "an adequate public education."[29] Interestingly, while most of the

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[25] Farmer, *supra* note 19, at 462.

[26] Rebell, *Educational Adequacy*, *supra* note 10, at 227. For example, in Lujan v. Colo. State Bd. of Educ., 649 P.2d 1005 (Colo. 1982), the Colorado Supreme Court, citing the need for local control of education, found that state's educational financing scheme to be constitutional.

[27] *E.g.*, Robinson v. Cahill, 303 A.2d 273 (N.J. 1973); *supra* note 12. *See also* Millonzi, *supra* note 13, at 1288 ("All fifty states guarantee their citizens the right to a public education."). Millonzi cites an earlier work, published in 1980, at which time Mississippi was the sole outlier among the states, noting further that by 1987, Mississippi had re-introduced its compulsory school attendance statute. *Id.* at 1288 n.18 (citing LAWRENCE KOTIN & WILLIAM F. AIKMAN, LEGAL FOUNDATIONS OF COMPULSORY SCHOOL ATTENDANCE 34 (1980)).

[28] For example, the New Jersey Constitution states, "The Legislature shall provide for the maintenance and support of a *thorough and efficient* system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years." N.J. CONST. art. VIII, § 4 para. 1 (emphasis added). *See also* INST. FOR EDUC. EQUITY & OPPORTUNITY, EDUCATION IN THE 50 STATES 7-8 (2008) [hereinafter EDUC. IN THE 50 STATES] (stating that fourteen other states' constitutions adopted language requiring either a "thorough and efficient" or an "efficient" education.) However, this should not be thought of as a minority. Throughout the fifty states, the "motivation for education has been the same: to create the political and economic 'Citizens' who were essential to the formation of the nation and remain so for its survival today." *Id.* at 45.

[29] Rebell, *Educational Adequacy*, *supra* note 10, at 232-34.

adequacy decisions, beginning in 1989, have occurred in this third wave of litigation, New Jersey led the fore with an earlier case, the *Robinson* case[30] in 1973. Even before *Rodriguez*, plaintiffs had begun to develop strategies for success in the state courts, arguing for adequate education under an education clause.[31] In New Jersey, after eight decisions or orders in *Robinson*, education finance litigation was taken-up under the banner of *Abbott v. Burke*,[32] which has resulted in over twenty decisions through May 2011.[33] Based on the sheer amount of litigation, and the span of years, it would appear that neither type of claim, under a state constitution, is easily enforced.

Also on the victorious side was the Vermont decision of 1997 where the plaintiffs relied, not only on the education clause, but also Vermont's "common benefits" clause.[34] In *Brigham v. State*, the court (quoting Justice Marshall's dissent in *Rodriguez*) stated that "[t]he Equal Protection Clause is not addressed to . . . minimal sufficiency but rather to the unjustifiable inequalities of state action."[35] This was an admonishment to the defendant, who had argued that the Vermont constitution only required a "minimally 'adequate' education."[36] Instead, the court held that the state's common benefits clause required more, especially with the evidence that the school system was failing.[37]

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[30] Robinson v. Cahill, 303 A.2d 273 (N.J. 1973).

[31] Rebell, *Educational Adequacy*, *supra* note 10, at 232-34. The *Robinson* case is apparently grouped in the second wave of litigation due to its appearance in 1973 and not for the basis of the plaintiffs' argument in the education clause, rather than the equal protection clause, of the New Jersey Constitution.

[32] Abbott v. Burke, 495 A.2d 376 (N.J. 1985).

[33] Abbot v. Burke, No. M-1293, 2011 N.J. LEXIS 616 (N.J. May 24, 2011); Abbott v. Burke, 971 A.2d 989, 991 (N.J. 2009) ("Today's decision marks the twentieth opinion or order issued in the course of the *Abbott* litigation.").

[34] Brigham v. State, 692 A.2d 384, 395-97 (Vt. 1997).

[35] *Id.* at 397 (quoting San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1, 89 (1973) (Marshall, J., dissenting)).

[36] *Id.*

[37] *Id.*

The adequacy argument has been advanced as an effective way to promote, through legal channels, state education financing reform, because it avoids the problems that Justice Powell, in *Rodriguez*, worried about under equal protection, namely that such a decision finding a fundamental right to education might provide grounds for the creation of other similar rights.[38] Instead, by focusing on the education clause in the state constitution, any decisions regarding the state's education finance system are strictly linked to the creation of that right at the state rather than the federal level.

But the state constitutional arguments have not always been successful. For example, the New Jersey and Vermont experiences can be contrasted with the attitude and response of Pennsylvania.[39] In 1997, the Philadelphia School District, City of Philadelphia and community groups represented by the

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[38] Rebell, *Educational Adequacy*, *supra* note 10, at 230-31.

[39] In 1993, PILCOP intervened on behalf of the ASPIRA Association of Pennsylvania. Michael Churchill, *Testimony before the Philadelphia School Reform Commission*, PUB. INT. L. CENTER OF PHILA. (July 8, 2009), http://www.pilcop.org/MC%20Testimony%20to %20SRC_Deseg.%20Consent%20Agr.pdf. The mission of its client was and is "[t]o empower the Puerto Rican and Latino community through advocacy and the education and leadership development of its youth." *What is ASPIRA's Mission?,* ASPIRA, http://www.aspira.org/ manuals/what-aspiras-mission (last visited May 16, 2011). When the intervention occurred, the lawsuit pending in the Commonwealth Court of Pennsylvania was, even then, long running, having been brought twenty-three years before in 1970. *See* Churchill, *supra* note 38. Started by the Pennsylvania Human Relations Commission, initially it sought to desegregate the school system and then, in more recent years, the goal became to equalize student achievement.

PILCOP's intervention was followed by an attempt to join the Commonwealth, seeking to require the state to fund the additional moneys needed to remedy the disparities the suit was brought to remedy. Pa. Human Relations Comm'n v. Sch. Dist. of Phila., 667 A.2d 1173, 1177 (Pa. Commw. Ct. 1995). Judge Doris Smith-Ribner granted the motion, and subsequently issued an order that required the state to pay many millions. *Id.* at 1188. (Lead counsel, Michael Churchill, recalls it as $43 million dollars over three years; the editor of this article recalls it being nearly ten times larger.) In 1999, before the order could be implemented, the Pennsylvania Supreme Court took jurisdiction from Judge Smith through an infrequently used King's Bench writ and then found the issue of joinder of the state improper and nullified the order for the state to provide funds. Pa. Human Relations Comm'n v. Sch. Dist. of Phila., 732 A.2d 578, 582 (Pa. 1999).

Public Interest Law Center of Philadelphia sued under Pennsylvania's Education Clause, a clause identical to New Jersey's and three other neighboring states.[40] The Pennsylvania Commonwealth Court and then its Supreme Court held the clause non-justiciable, saying courts could not manage such decisions without mentioning that four neighboring states had in fact managed to do so.[41] The Supreme Court also ignored a prior decision in which it had said that if the disparities in funding and the disparities in outcome were gross enough, a cause of action would lie for enforcing the constitutional clause.[42] The Pennsylvania Supreme Court at the same time dismissed a similar case brought on behalf of more than 150 rural and small school districts.[43]

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[40] Marrero v. Commonwealth, 739 A.2d 110, 111 (Pa. 1999).

[41] *Id.* at 113-14.

[42] Danson v. Casey, 399 A.2d 360, 365 n.10 (Pa. 1979).

[43] Pa. Ass'n of Rural & Small Sch. v. Ridge, 737 A.2d 246, 246 (Pa. 1999). For a critical analysis of this case and *Marrero*, *see* A QUALITY EDUCATION FOR EVERY CHILD (David Long et al. eds., 2009).

In contrast, New Jersey, through its *Abbott* orders, provided some of the highest per pupil spending in the state to poor urban schools. *See* Ford Fessenden, *Abbott School Districts Among the Top Spenders*, N.Y. TIMES, June 10, 2007, at 7 (Section 14NJ), *available at* http://www.nytimes.com/2007/06/10/nyregion/ nyregionspecial2/10mainnj.html. But the funding for the *Abbott* schools is now in jeopardy. *See* Winnie Hu, *Court Backs New Jersey Aid Revision: Less Focus on Poorest Schools*, N.Y. TIMES, May 28, 2009, at A19, *available at* http://www.nytimes.com/2009/05/29/education/29abbott.html. While the power to order Commonwealth funds eluded Judge Ribner-Smith, she continued to require the Philadelphia school district to make improvements, which resulted only this past year in a historic order concluding the case with far reaching requirements for the District to meet in the next five years. *See* Pa. Human Relations Comm'n v. Sch. Dist. of Phila., No. 1056 C.D. 1973 (Pa. Commw. Ct. July 8, 2009) (consent agreement and order), *available at* http://www.pilcop.org/efq.html#SRC-Deseg.

V. FURTHER LITIGATION - FEDERAL TITLE VI REGULATIONS.

But the funding issue did not end there. PILCOP, on behalf of the NAACP and other community organizations, along with the City and School District, brought a lawsuit in federal court against the Commonwealth, alleging that the state's educational funding system was racially discriminatory in violation of the Title VI disparate impact regulations.[44] The Third Circuit Court of Appeals upheld the cause of action.[45] Discovery was under way when in an intervening Supreme Court case, *Alexander v. Sandoval*, the Court held the Title VI regulations unenforceable by private parties on the grounds that Congress did not intend to create a private right of action for the regulations under Section 602 of the Civil Rights Act of 1964.[46][47][48]

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[44] Powell v. Ridge, 189 F.3d 387, 387 (3d Cir. 1999).

[45] *Id.* at 405.

[46] *See* Alexander v. Sandoval, 532 U.S. 275, 292 (2001). The Department of Education, based on model Justice Department regulations, had put into place regulations preventing actions which had the effect of creating a disparate racial effect, and Congress never changed or altered the regulations; in fact, Congress had used them as models in subsequent legislation. *See* Michael Churchill, *Disparate Impact Regulations and Section 1983 in the Courts: The Words are of Deference, the Actions of Disparagement*, 1 RUTGERS J. L. & URB. POL'Y 5 (2005), *available at* http://www.rutgerspolicyjournal.org/journal/vol1issue1envJustice/issue1vol1churchill.pdf.

[47] Sandoval is just one example of many cases in the civil rights area where the conservative Supreme Court has restricted the scope of remedial statutes, until then thought generally to be construed liberally to effectuate their purposes. Examples are (1) the limitation on orders paying expert witnesses, Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy, 548 U.S. 291 (2006); (2) the nature of the victory needed for a plaintiff to win lawyer fees, Buckhannon Bd. & Care Home v. W. Va. Dep't of Health & Human Res., 532 U.S. 598 (2001); (3) whether the 14th Amendment allowed Congress to legislate to protect other than racial discrimination, Kimel v. Fla. Bd. of Regents, 528 U.S. 62 (2000); and (4) the way to decide if Congress intended a private party to be able to sue, e.g. Blessing v. Freestone, 520 U.S. 329 (1997).

[48] It is the belief of the editor of this paper that the lawsuits, though ultimately unsuccessful, were a major catalyst to the efforts by then Mayor and now Governor Edward G. Rendell to increase financing for the urban school districts of Pennsylvania. His view is shared as confirmed by the honoring with

VI. EDUCATION POLICY INITIATIVES - STANDARDS BASED REFORM.

Concurrent with the beginnings of the third wave of education finance litigation, in the 1980s, education policy initiatives began to be shaped using standards-based reform.[49] During the first Reagan Administration, in 1983, another government commission was created to study the American educational system.[50] This commission released a dire report, entitled "A Nation at Risk" that identified "a rising tide of mediocrity" in American public schools.[51] The solution, according to the authors of the report, was to bolster what they saw as weakened standards (as evidenced by a decline in standardized test scores).[52] It can be helpful to consider the argument for adequacy as a state-constitutional requirement against the backdrop of the standards-based reform movement, since they both arose during the 1980s.[53] As Michael Rebell suggests, "[a]dequacy also tends to invoke less political resistance at the remedial stage, because rather than raising

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the Thaddeus Stevens Award of Judge Smith, the Governor, and his long time education policy creator and implementer, Donna Cooper, at the celebratory dinner, following this symposium. Among its accomplishments, it raised consciousness and made legitimate the policy for equalization of funds; in doing so, it is countering the obviously flawed argument that Philadelphia's schools with the most societal problems of any in the state – most on welfare, among highest in crime – should do more with substantially less than the more affluent schools. It served the purpose of motivating and mobilizing the people affected to demand more, part of why the state has provided more. See e.g. *Budget Proposal Continues Progress on Education Funding Reform*, PUB. INT. L. CENTER OF PHILA., (Feb. 9, 2010), http://www.pilcop.org/efq.html (applauding Governor Edward G. Rendell's proposed $354 million increase in basic education funding in his 2010-11 budget).

49 *See* Wayne J. Urban, *A Cloudy Future for No Child Left Behind*, EDUC. POL'Y PERSP. (2007), *available at* http://www.schoolfunding.info/federal/NCLB/Urban-NCLB.pdf.

50 *Id.*

51 *Id.*

52 *Id.*

53 Rebell, *Educational Adequacy*, *supra* note 10, at 229.

fears of 'leveling-down' educational opportunities currently available to affluent students [coupled with standards], it gives the promise of 'leveling-up' academic expectations for all other students."[54] Thus, education reform can be more politically palatable when everyone has a stake in it, as opposed to being perceived as affirmative action which many Americans have perceived to mean taking away from one group to benefit another.[55] Standards-based reform was also rooted in the idea that all American schools needed improvement.[56] The nexus between adequacy and educational standards is significant, because in some ways, current federal education policy is also a product of the Standards-Based Reform Movement.[57]

VI. FEDERAL INVOLVEMENT IN EDUCATION FINANCING.

Congress passed the first version of the Elementary and Secondary Education Act (ESEA) in 1965 during the Johnson Administration; it was a component of the Great Society's "War on Poverty."[58] It was originally enacted for the purpose of supplementing the budgets of poor school districts with federal funding and not more broad-based reform.[59] For a country that had traditionally placed a high-premium on local autonomy in the field of education,[60] the funding mechanism under Title I of ESEA represented, for the first time, a threat of federal

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[54] *Id.* at 231.

[55] *See id.*

[56] Urban, *supra* note 48.

[57] *See* Cassandra Jones Havard, *Funny Money: How Federal Education Funding Hurts Poor and Minority Students*, 19 TEMP. POL. & CIV. RTS. L. REV. 123, 134 (2009).

[58] Goodwin Liu, *Improving Title I Funding Equity Across States, Districts and Schools*, 93 IOWA L. REV. 973, 975 (2008).

[59] Havard, *supra* note 56, at 124.

[60] *See* EDUC. IN THE 50 STATES, *supra* note 27, at 9-45 (2008) (sketching the history of American education from the colonial period through 1959).

intervention where previously there had been none.[61] To allay the concerns of those who feared such intervention, there was not, initially, a strong provision for federal monitoring of the funds being distributed.[62] An interim reauthorization during the Clinton Administration, called "Goals 2000: Educate America Act" passed in 1994, took into account student achievement standards,[63] setting the stage for the current version, the No Child Left Behind Act (NCLB), which was passed in 2002.[64]

NCLB represented a departure from the original conception of ESEA in 1965. Through the use of achievement standards, NCLB attempted to establish a stronger system of state-accountability for the funds they receive.[65] Additionally, the NCLB is supposed to "increase flexibility" by enabling local decision-making, and "expand options" in the area of school choice; these broader purposes reflect both the continued tension in our federal system, and the incorporation of standards-based reform.[66] These statements of purpose are all-inclusive, meaning that any school district receiving funding through Title I is subject to these standards, regardless of whether it is a poor district or a relatively wealthy one. Yet, practical monitoring of the use of funds is difficult, unless the funds are granted under the targeted assistance formula.[67] Targeted Assistance grants are the only forms of funding that resemble the initial purpose of ESEA, in that they are for high-poverty districts alone.[68] Since other funds granted under Title I can be commingled with non-Title I funds, it is very difficult to track their use, and therefore, state- and school-compliance with

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[61] *See* Havard, *supra* note 56, at 128-32.

[62] *Id.*

[63] *Id.* at 134-35.

[64] Kimberly D. Bartman, *Public Education in the 21st Century: How do we Ensure that No Child is Left Behind?*, 12 TEMP. POL. & CIV. RTS. L. REV. 95, 110 (2002).

[65] Havard, *supra* note 56, at 135.

[66] Bartman, *supra* note 63, at 111.

[67] Havard, *supra* note 56, at 138-39.

[68] *See id.*

NCLB.[69] Moreover, enforcement mechanisms at the Department of Education are lacking.[70] The original ESEA did not provide an adequate delegation of authority to the Department of Education, which resulted in a "culture of non-enforcement" at the agency.[71]

Another criticism of the NCLB includes the fact that while very large increases of educational funding were authorized, much less was actually appropriated.[72] Still, state and local governments are the primary source of education funding in America.[73] Most recently, under the Economic Recovery Act, the Obama Administration has begun delivering School Improvement Grants to various states to augment Targeted Assistance Grants under NCLB.[74] But, this funding is part of the administration's response to the economic downturn that began in 2007/08 and does not represent an ongoing program for education finance reform. Additionally, the Obama Administration's approach under NCLB has not been without controversy, either, because it has allowed school boards to close schools that have not met NCLB standards.[75]

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[69] *Id.*

[70] *Id.* at 142.

[71] *Id.*

[72] Bartman, *supra* note 63, at 113-14.

[73] U.S. DEP'T OF EDUC., 10 FACTS ABOUT K-12 EDUCATION FUNDING 2 (2005) *available at* http://www2.ed.gov/about/overview/fed/10facts/10facts.pdf (stating that 83 cents of every education dollar spent in the United States is from state or local sources; federal funding is approximately 9 cents of every dollar, with the remainder from private sources [for private schools]).

[74] *See* Peter Kickbush, *Support for Turning Around Low-Performing Schools*, ED.GOV BLOG, (Apr. 8, 2010, 11:41 AM) http://www.ed.gov/blog/2010/04/support-for-turning-around-low-performing-schools. This paper, though updated for this Symposium, does not seek to explore developments under this act since it was originally written.

[75] *See id. See also* Jennifer D. Jordan, *Teachers Fired, Labor Outraged* PROVIDENCE J., Feb. 24, 2010, at 1, *available at* http://www.projo.com/news/content

/central_falls_trustees_vote_02-24-10_EOHI83C_v59.3c21342.html (for aspects of the controversy).

Some critics argue that NCLB simply does not go far enough. According to Howard University Law Professor Derek Black, there should be an Equal Protection remedy available, despite *Rodriguez*, because "Congress, in enacting Title I, has already entered the field of education" even if the broad grant of enforcement power to Congress "includes a significant amount of discretion."[76] Thus, Professor Black would call upon Congress to amend NCLB to eliminate the factors and formulas that he, amongst others, indicates actually result in less money for states and school districts with higher levels of poverty.[77] For example, in a mechanism that is reminiscent of the Great Compromise of the Constitutional Convention of 1787, small states are guaranteed a minimum amount of Title I funding - regardless of the concentration of poverty, or overall numbers of poor students residing there.[78] But, it should be made clear that NCLB (and the previous versions of ESEA) were never intended to be the sole or even primary funding source for education; rather, funding under Title I, in recognition of the importance of local control, was meant to supplement, not supplant state and local education expenditures.[79] While Professor Black may be correct that there "should" be an Equal Protection remedy available at the federal level, this argument does no good for the impoverished child waiting for such an unlikely decision from the Supreme Court.[80]

Perhaps a more coherent criticism of current federal policy under NCLB comes from a former assistant education

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[76] Derek W. Black, *The Congressional Failure to Enforce Equal Protection Through the Elementary and Secondary Education Act*, 90 B.U. L. REV. 313, 317 (2010).

[77] *Id.* at 366-68.

[78] *Id.* at 317. Professor Black would likely argue that the comparison to the Great Compromise is apt because such inherent anti-democratic features of the U.S. Constitution have stymied progressive public policy throughout American history.

[79] *See* Havard, *supra* note 56, at 132-33.

[80] Michael A. Rebell, *Equal Opportunity and the Courts*, 89 PHI DELTA KAPPAN 432, 433 (2008) (noting a recent U.S. Supreme Court decision, *Parents Involved v. Seattle Sch. Dist.*, 551 U.S. 701 (2007), under which racial formulas ["the primary means used by many districts to undo the impact of concentrated poverty"] can no longer be used to achieve the equal protection promise of *Brown*).

secretary, Diane Ravitch. Professor Ravitch was originally a supporter of the charter school initiatives under NCLB.[81] But, she notes that charter school students cannot be compared to those students who are "left behind" at failing public schools, so the relative success of charter schools is illusory.[82] Ravitch also points out that the Obama administration is adhering to the same punitive sanctions that were promulgated under his predecessor.[83] It appears then that standards-based reforms by themselves (and especially imposed by the federal government) are not the answer to the problem of delivering equal educational opportunity under *Brown*. But development of standards at the state level can "provide courts with useful tools for ensuring that all students are actually provided the level of education guaranteed by the state constitution."[84]

VII. CONCLUSION.

Under the NCLB, states that accept federal funds must meet the standards set forth by the Act.[85] Any state accepting federal funds must implement those standards, but since state and local governments still bear the lion's share of education funding, it is unclear just how beneficial the federal program actually is.[86] Recently, federal funding for education has increased dramatically, but this is in large part a response to the

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[81] Diane Ravitch, Opinion, *Why I Changed My Mind About School Reform*, WALL ST. J., Mar. 9, 2010, at A21, *available at* http://online.wsj.com/article/SB10001424052748704869304575109443305343962.html .

[82] *See id.* As Prof. Ravitch further makes the point, "this is not a model for public education, which must educate all students" (because charter schools redirect limited funding and take all the best students).

[83] *See id.* Professor Ravitch goes on to state that the "best predictor of low academic performance is poverty".

[84] Rebell, *Educational Adequacy*, *supra* note 10, at 242.

[85] *See* Bartman, *supra* note 63, at 114-15 (noting "[T]he Act mandates that all public school students in grades three through eight undergo annual reading and math achievement tests.").

[86] *Id.* at 113-14.

current economic downturn.[87] Since these increases in federal education spending are temporary, and not part of a long-term strategy, reform is needed at the state level if schools are to meet the requirement for adequate education, meaning an education adequate for all students to become productive citizens. While plaintiffs have successfully argued for equal educational opportunity for all students at the state level, implementation has been harder to come by.[88] But in states like Texas and Vermont, a road-map to education finance reform exists, where education funding for poor school districts has been improved.[89]

Ultimately, any broad-based effort to meaningfully reduce poverty in the United States must include a significant education component and must be approached as a long-term strategy. It has taken four decades of research to overcome the impact of the Coleman Report,[90] and it can now be said that "the educational opportunities that money can buy can substantially compensate for" the disadvantages experienced by poor students.[91] Other programs and policies can augment such efforts, but only in the area of education policy can states enact a program that, properly designed, funded and enforced, can work towards the egalitarian ideal of education announced in *Brown*. As the California Supreme Court stated in *Serrano*, "[f]ew other government services have such sustained, intensive contact with the recipient."[92] A thorough education, more than welfare benefits or other direct transfers, can provide an intangible

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[87] *E.g.*, *Breakdown of Funds Paid Out*, RECOVER.ORG, http://www.recovery.gov/Transparency/fundingoverview/Pages/fundingbreakdown.aspx (last visited June 23, 2011) (showing nearly $80 billion in funding from the American Recovery and Reinvestment Act of 2009 has gone to education).

[88] Bartman, *supra* note 63,_ at 109 (quoting Erin E. Buzuvis, Note, *"A" for Effort: Evaluating Recent State Education Reform in Response to Judicial Demands for Equity and Adequacy*, 86 CORNELL L. REV. 644, 663 (2001) ("[W]inning in the courtroom is not the same as winning in the classroom.") (citations and internal quotations omitted)).

[89] *Id.* at 115.

[90] REBELL & WARDENSKI, *supra* note1, at 9-10.

[91] *Id.* at 10-11.

[92] Serrano v. Priest, 487 P.2d 1241, 1259 (Cal. 1971).

benefit so that the poverty experienced institutionally on social, political and economic levels is no longer passed from generation to generation.[93]

[93] Denise C. Morgan, *Financing our Future Education Improvements in the 21st Century*, 1998 ANN. SURV. AM. L. 267, 268.

FROM VISION TO RESULTS
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A SYMPOSIUM PRESENTED BY:
THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

- - -

THURSDAY, SEPTEMBER 30, 2010

- - -

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Philadelphia, PA
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1

2 MR. JOSEPH: Welcome. Welcome.
3 Welcome to the third annual symposium sponsored by
4 the Public Interest Law Center of Philadelphia,
5 commonly known as PILCOP. Not PHILCOP, not
6 PHILCOR, not PHILCORP -- PILCOP.
7 So we, the lawyers and staff of
8 the symposium, the staff and I -- as the symposium
9 chair -- welcome you to our day discussing the
10 plight of urban education and what we can do about
11 it.
12 Michael Churchill, our prior chief
13 counsel, and Jenny Clarke, our present executive
14 director -- and I consider her chief counsel,
15 although I don't know that we have an official
16 title for her -- were pressured in their choosing
17 of this subject and in this timing.
18 You need not be a follower of
19 MSNBC or even NBC to know that education is one of
20 the foremost issues confronting the country today.
21 In the past week alone, you may have seen
22 headlines in the papers about President Obama
23 discussing the subject of education in the
24 nation's Capitol, where a mayor was thrown out of
25 office probably for doing the right thing about

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2 education, or the headline about the Brookland
3 School District in Massachusetts suggesting larger
4 schools, contrary to the Gates Foundation premise,
5 can be just as good as smaller schools. And you
6 would not have to be focused on education to know
7 of a documentary by the producer of the
8 Inconvenient Truth, to know that watching Waiting
9 For Superman is about to come onto this planet.
10 Were you to be an MSNBC junky,
11 like my wife and I -- like my wife and me, you
12 would know that Morning Joe produced an entire
13 program in the evening last Sunday on the
14 documentary, Waiting For Superman, and a two-hour
15 program followed, and that every morning this week
16 he is focusing on education.
17 Mayor Bloomberg, on a program
18 about a couple days ago said, "We do not need to
19 end poverty to have better schools," the theory
20 that we have to change our poverty situation in
21 order to have schools that work. "Instead," he
22 said, "we have to have better schools to end
23 poverty."
24 The context of this present focus,
25 the -- going back to the real beginning,

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2 now-Supreme Court Justice Elena Kagan was
3 criticized -- get this -- criticized for being the
4 law clerk to Justice Marshall, maybe only one of
5 the greatest trial lawyers in this country who
6 went into the south and got juries to change their
7 minds, even though they were racist and against
8 his clients. But he also won something like
9 90 percent of his 30 or more cases before the
10 Supreme Court when he was with the NAACP, and he
11 engineered the Brown decision, which is really
12 where this story begins.
13 In context, for the next ten
14 years, all deliberate speed meant very slowly.
15 The Civil Rights Act of the 60's did speed it up,
16 but was quickly turned around when the Supreme
17 Court of the 70's essentially stopped busing and
18 integration really became, ironically, another
19 kind of equal but separate.
20 So I'd like to just remind you a
21 little bit of the case law and then take you to
22 where we are today, why we are so honored to have
23 this organization putting on this topic, and why
24 it is so qualified to do so.
25 So right after Brown -- or I

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2 shouldn't say right after, but in the 60's,
3 California said, the equal protection clause of
4 the 14th amendment applies and funding has to be
5 balanced across an entire state. The Supreme
6 Court Rodriguez, in the early 70's, with Justice
7 Marshall writing a fabulous dissent, if you want
8 to read something very memorable about the need
9 for education, said that they would not get into
10 education.
11 So it became a state problem, and
12 New Jersey, early on, decided the Abbott case
13 under -- well, it was under a different name,
14 Robinson v Cahill, and they said that under the
15 "Thorough and Efficient" state constitutional
16 clause, one identical to Pennsylvania's, that they
17 should involve themselves; and today, the Abbott
18 court -- schools, are funded more -- excuse me --
19 better funded than or as good funded -- as well
20 funded as all of the schools in New Jersey.
21 However, despite New Jersey and three other states
22 deciding under the same clause, Pennsylvania took
23 another route.
24 PILCOP, in 1993, intervened in a
25 moribund suit, a public -- a Pennsylvania Housing

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2 Commission -- excuse me -- Pennsylvania Human
3 Relations Commission suit that was going nowhere
4 having been started 23 years ago. They quickly
5 joined the State, the source of real money, and
6 Judge Smith issued an order, Judge Smith-Ribner
7 who will be honored tonight, issued an order for
8 tens of millions of dollars.
9 The Supreme Court of Pennsylvania
10 used an extraordinary king's power and reached
11 down and took PILCOP's victory out of the Courts
12 and, in a subsequent case, very similar, but
13 brought directly against the Commonwealth, they
14 said the issue, unlike New Jersey, was not
15 justicial.
16 But PILCOP didn't stop there.
17 They went over to Federal Court and they tried
18 under the regulations of the Education Act and
19 they won in the 3rd Circuit and they won in
20 discovery. When the Supreme Court came down with
21 Sandoval, a case that said Congress did not
22 approve of these regulations.
23 Now, if you follow Supreme Court
24 decisions in recent years, you know how
25 restrictive Congress has gotten with these

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2 remedial statutes which are to be construed
3 broadly, and yet they are construing them as
4 narrowly as one can.
5 So PILCOP is at the forefront of
6 this movement. They have continued to today, last
7 only in 2009, they had a historic order requiring
8 the school district to comply with the five-year
9 plan.
10 So here we are today. You are in
11 for a treat because the preeminent law center for
12 system change in this community, and I would argue
13 one of the very best throughout the nation, is
14 going to be educating us all.
15 Before enjoining this day, I want
16 to thank -- I want you to know that the seminars
17 will be coming in over the next year, we will be
18 focusing on environmental justice. So reserve
19 your time now for next fall when you can again
20 receive six of your necessary 12 CLE credits with
21 a wonderful educational day. And I hope they will
22 have me as a chair again for one reason: I love
23 that we're full here, but next year, I want people
24 in the balcony.
25 So with that, I am going to -- one

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 other thing. We're also very fortunate to meet a
3 second goal that I set for this time, and this
4 year, the speeches will not go into the air of our
5 memories. They are being recorded by a court
6 reporter. Raise your hand. Thank you, Linda --
7 it's Laura. And they will be published in the
8 Rutgers Journal of Law and Public Policy,
9 ironically, where Michael Churchill and Jerry
10 Walter were authors of articles in the very first
11 issue four or five years ago.
12 So with that, Michael Churchill
13 and Len Rieser -- or Len Rieser -- excuse me --
14 are going to be taking over from here. So thank
15 you, Michael and Len. Let's get going.
16 (Applause.)
17 MR. CHURCHILL: Thank you. Len
18 and I thought that we would set the stage for
19 discussions about quality schooling that we're
20 going to have later today by looking at the legal
21 framework, which deals with the quality of the
22 conditions necessary for quality, including
23 resource availability.
24 So we're going to do a little bit
25 of a tap dance with each other back and forth on

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2 this, and I'm going to start for a second just to
3 review what Don has reminded us of. The top of
4 the legal pyramid in this country tonight stays
5 constitutional. And in, really, a terribly
6 historically inaccurate decision, the Supreme
7 Court, in Rodriguez, said that education was not a
8 fundamental right in the United States.
9 Although, you have to understand,
10 both in Brown and in the immigration case, the
11 pirate case subsequent to Rodriguez, it did say
12 that access to education was necessary for any
13 adult's well-being, but they were not going to get
14 into the thicket of school functioning or -- or --
15 and they have, indeed, stayed out of it. And as
16 Don told us, that has pushed us into the State
17 Courts and, in Pennsylvania, at the stop -- at the
18 top of the pyramid is the Pennsylvania
19 Constitution, which says, "the State will maintain
20 a thorough and efficient system of public
21 education."
22 That identical clause actually
23 produced a cornucopia for which Michael is going
24 to be a superintendent in Trenton, who will be on
25 the program -- the panel right after this, but in

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2 Pennsylvania, it produced nothing. The Court
3 said, essentially, we don't care that other states
4 find this justicial, we won't because we don't
5 think -- at least this was the articulation --
6 that this -- that there's any manageable standard
7 by which to judge whether or not the education
8 being funded by the legislature is thorough,
9 efficient or adequate or whatever other word you
10 wanted to use.
11 One of the questions that we all
12 need to think about is that case was in 1999,
13 before there was any adoption in the State of --
14 of standards, as we'll hear a little bit further
15 on. We now have them, in theory, anyway, and
16 we're producing more every year. So, in 2015, I
17 think it will be, we will actually have exit exams
18 that students need in order to graduate. Does
19 that now give us a standard to measure whether or
20 not schools are actually performing in a thorough
21 and efficient manner? That is still unresolved by
22 anyone known, as yet, who brought that case in
23 Pennsylvania. It's waiting to happen.
24 But the result of the inactivity
25 of the Court is that we still have enormous --

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 enormous -- inequities in funding, even though the
3 State legislators have begun to peck away and
4 they're making some changes in the system, but we
5 have 5,000, 6,000, 7,000-dollar differences
6 between what students have -- what Philadelphia
7 has to educate its students in its state.
8 So let's see how that plays out,
9 what the statutes tell us that should be happening
10 when a child actually goes to school.
11 Len, do you want to tell us who
12 we're going to be following today?
13 MR. RIESER: Well, first of all,
14 would someone remind me afterwards to buy the 1.75
15 reading glasses in case I ever find myself in this
16 position again.
17 Michael and I were assigned the
18 task of covering the framework of education law
19 in, I think, 25 minutes. I don't know if any of
20 you would prefer to do it. It's kind of a tough
21 order, and it's especially difficult surrounded by
22 people who know a great deal more about this than,
23 at least, I do. Welcome to all of you and this is
24 a little scary.
25 So in order to take sort of a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 quick pass at it, Michael and I decided to try to
3 tell a little bit about a story of a hypothetical
4 student in Pennsylvania. We've named her Jenny.
5 And we're just going to sort of follow her through
6 the day and talk a little about kind of the legal
7 environment that she's living in as a student in a
8 Pennsylvania school.
9 So we start with her getting to
10 school, and these days, it might not be a current
11 neighborhood school because there are more options
12 now. That's one aspect of the legal landscape
13 that's changed. There may be some degree of
14 choice among the schools in her school district.
15 We're seeing more of that in Philadelphia.
16 There are -- there are charter
17 schools, not necessarily convenient to where she
18 lives, but maybe. There are a lot of them now in
19 Pennsylvania and in Philadelphia. There are
20 private providers running schools. There are
21 schools with special opportunities, and there are
22 more of those now than there used to be.
23 There are cyber schools, both
24 charter and some, surprisingly, may have school
25 districts that are in the business of developing

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 cyber programs. There may be vouchers. I don't
3 think we have time to get into that subject. And,
4 of course, there are sort of privately purchased
5 schooling arrangements, private schools. There's
6 homeschooling and so forth.
7 But if we sort of stick to the
8 public field, on the one hand, I guess we could
9 say that this kind of proliferation of new
10 arrangements in boxes and containers for education
11 is, you know, only -- at best, only a part of the
12 answer to anything because just changing the
13 boxes, changing the structures may not change at
14 all what goes on inside and, in fact, perhaps if
15 we get too distracted with changing the
16 structures, we may never get around to what's
17 going on inside.
18 But, on the other hand, choice
19 can't be a bad thing for students and families.
20 And one thing that I think has sort of happened
21 for us lawyers -- and I think it's for public
22 education -- is that there are a lot of good
23 programs out there now. Some of them are in
24 public schools, some of them are in -- some in the
25 traditional public schools, some of them are in

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 charter schools, some of them are in other places,
3 but we have a lot to point to now in terms of what
4 can be done successfully with -- with kids in
5 cities, with kids in rural areas, with kids in
6 other places. So there is an opportunity in there
7 for all of us.
8 I mentioned to Michael that I sort
9 of was thinking back to the days when we, in
10 litigating special education inclusion cases,
11 would say, well, yeah, we have all this law, but
12 we can't find a single example of a -- of a good
13 program. Well, now, there are a lot of examples
14 of good programs.
15 And so, all right, in a sort of a
16 roundabout way, we're back to Jenny. Jenny's got
17 to school. We'll assume it's a neighborhood
18 school. And we'll go from there.
19 MR. CHURCHILL: Well, I guess one
20 of the questions is, who's at school with her?
21 And they can be neighborhood children. In
22 Pennsylvania, we tend to use the catch-in areas.
23 We know that there's a great deal of ability to
24 manipulate those catch-in areas. We just had the
25 Lower Merion School District Case testing, when

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 you do it to try and balance out the racial
3 numbers in between schools, whether that is legal
4 or not.
5 But there are a lot of other
6 things that control the number of -- or who else
7 is going to school with you. One is public
8 schools have selection devices. There are tests.
9 There are controls over whether there's enough --
10 whether your attendance has reflected the
11 appropriate character. And the -- there's -- I
12 would guess, almost a third of the students in
13 Philadelphia go to schools which have some
14 restriction on who can attend that and get into
15 that class.
16 The scope of the integration that
17 we have by race is pretty stark. We still have
18 60 percent of our students in schools with
19 children, 90 percent or more, of one race. We
20 don't have a lot of economic diversity, but we
21 have some. And, again, there are schools, 95
22 percent of the students are in poverty. But we
23 also have schools where that is more spread out
24 and more integrated, both on the poverty grounds
25 and on the race grounds.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And the questions that need to be
3 addressed is, to what extent do we need to be
4 concerned with those issues? Are those
5 controlling about whether we're going to get
6 quality or not? Or are those things that schools
7 should just deal with? That's, I think, one of
8 the issues that we're going to talk about: How
9 should they deal with them when they see them?
10 But there are other things that
11 separate students out and one of them, perhaps, is
12 language. Len?
13 MR. RIESER: So, Jenny, in her
14 school, may be in a school with immigrant
15 students. That's certainly something that's
16 increasingly possible in Pennsylvania. Numbers
17 are rising. This is an area that we've done a lot
18 of work in and it's an exciting area in that the
19 law is reasonably strong about what kids are
20 entitled to in terms of help with learning English
21 and help with content.
22 The enforcement of the law is not
23 so great. We have a kind of weak structure in the
24 State Department of Education on this issue, as on
25 many others, and so we see that play out with kids

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 in some schools who are unable to understand the
3 instruction, who are not -- I think we see it more
4 in the -- in the kind of regular classes, even in
5 the English as a second language kind of program.
6 At least we sort of know how to do that. There's
7 large numbers of teachers who don't know or don't
8 have the support that they need in order to adapt
9 their instruction to kids who aren't going to
10 understand the three-syllable words and, of
11 course, all the words that they're accustomed to
12 using with native speakers of English.
13 And we have racial and ethnic and
14 immigrant verses nonimmigrant tensions, as we know
15 from Philadelphia and many other places. And so
16 this is an area that, again, there's a great deal
17 to work with in terms of law and there's a great
18 deal of work to be done.
19 MR. CHURCHILL: If Jenny actually
20 hasn't shown up by the time the second bell rings,
21 she would be officially absent. Pennsylvania law
22 allows districts, when there are three or more
23 unexcused absences, to take a child to court in
24 order to assure mandatory attendance. The
25 question, however, is, is that effective? Is that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 just a technique that schools use in order to
3 increase attendance, or is it a technique that
4 they use to actually push students out?
5 We've been looking at one school
6 district in Lancaster -- I mean in Lebanon,
7 Pennsylvania. Small district, 4,000 kids,
8 50 percent Hispanic. Of those families, I would
9 suggest that at least 75 percent are run by single
10 mothers. And they have assessed truancy fines of
11 $498,000 a year against these mothers in an
12 attempt to see whether that will, I guess, control
13 the student population. It certainly has not
14 increased attendance by assessing those fines.
15 We've found that out.
16 So one of the questions is: Does
17 the State law actually provide any assistance to
18 school districts that are trying to find other
19 ways of dealing with attendance problems rather
20 than just through the Courts? And there actually
21 is a guidance from the Pennsylvania State
22 Department that encourages school districts to use
23 other techniques and to try to involve other
24 social service agencies, but there is nothing
25 mandatory about them. There is no legal

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 requirement at the moment that schools provide
3 that kind of assistance or help.
4 One thing to note, if Jenny quit
5 school, she has the right to return until she is
6 21 or until she's graduated. There are many
7 projects working on trying to actually see whether
8 that can become a realty.
9 MR. RIESER: We're a little back
10 and forth with Jenny here. She went to school;
11 she didn't go to school. But, okay, she's back in
12 school. And now the question is, what classes is
13 she going to take? Until, I don't know, 15 years
14 ago, the law answered that question with a list of
15 things like, four years of English and four years
16 of math and two years -- that's all gone, as you
17 know, in the public education system. It's not
18 gone in the private school or religious school or
19 homeschooling side of the ledger.
20 But in the public school system,
21 it's all been replaced by standards and benchmarks
22 and papers, and they apply all the way across all
23 12 grades. They're very detailed. I'm sure
24 you've all seen and lived with them. They define
25 what the State considers important for students to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 know in the areas that the State considers
3 important, which are areas like reading and math
4 and science and so forth. There are a few areas
5 that the State doesn't consider important enough
6 to have standards about, and they are things like
7 art and science -- art and music and world
8 languages and a few other things.
9 We're on our way to having, as
10 Michael mentioned, graduation tests based on those
11 standards, which puts an additional bite into
12 them. And, I mean, I'm sure that everyone here is
13 familiar with kind of the yin and yang of
14 standards. On the one hand, they're problematic
15 in that they're limiting and they can hamper
16 teachers from doing good things that teachers want
17 to do. They can be turned into highly
18 prescriptive instructional techniques and units
19 and scripts. The focus is on demonstrating
20 knowledge through standardized testing, which can
21 be limiting, and, of course, standards don't come
22 with resources attached to them. So you can say
23 all you want about what a child can achieve, but
24 if you don't provide the opportunity to achieve
25 it, then what have you accomplished?

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 On the other hand, we -- standards
3 have helped in the sense that we're much clearer
4 now that there will be some understanding across
5 the board of what needs to be taught in schools.
6 That's got to be, at least in part, a good thing.
7 And standards have also provided a terrific legal
8 platform for making arguments about the
9 entitlement to resources.
10 As we know, for example, from the
11 Pennsylvania costing out study of a few years ago,
12 standards are exactly what you need in order to
13 maybe respond to some of the Courts that base
14 their sort of hands-off decisions on, well, we
15 don't know what education's supposed to be anyway.
16 How can Courts define what education is? Well,
17 the State having defined what education is, we now
18 have much better arguments about what needs to go
19 on in schools and what resources have to be
20 provided in order to make it possible.
21 MR. CHURCHILL: You know, it's --
22 one of questions we have to ask is, are standards
23 for who and for what? I think that we need to
24 understand what is one of things that has driven
25 Courts for many, many years: Their desire not to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 have any standard. They wanted to make sure that
3 there was no tort called miseducation or
4 noneducation or failure to educate. That lies
5 deep in the heart of all of the refusals to take
6 jurisdiction, all of the procedural mismash that
7 we get in case after case because, essentially,
8 the Courts wanted to make sure that they weren't
9 asked to have a common law -- developed a sense of
10 what needs to be done in a school.
11 And the regulatory framework never
12 set -- as Len pointed out, and it's really
13 important. I went back and looked at the public
14 school code. There was nothing prior to ten years
15 ago that said anything about the quality of
16 schooling, except in one place where it says
17 superintendents were to make reports to their
18 school boards if there were not sufficient
19 teachers hired to teach the classes required, and
20 the second one that said superintendents were to
21 make a report on whether school classes were age
22 appropriate. That was it. They could do anything
23 or almost nothing as far as state law was
24 concerned and the courts weren't going to touch
25 it.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 We're entering a new era. The
3 standards movement started -- and I'm trying to
4 understand it and there are others here who know
5 much better than I -- to think about what are the
6 standards for schools. Now we're talking about a
7 very different thing about what are the standards
8 of graduation. And one of the questions we need
9 to ask is, is it really fair to impose the
10 standards of graduation on individual students
11 when the school itself is -- when that student is
12 one of 75 percent of the school who are not making
13 the standards? Doesn't it say -- and where the
14 student could, indeed, in fact, be getting A's and
15 B's on whatever work the school itself has
16 assigned to them. Does that make sense? Whose
17 conduct are we trying to change in that situation?
18 MR. RIESER: Michael's mention of
19 that antique statute about superintendents making
20 reports, that's exactly the kind of thing that we
21 used to spend a lot of time trying to figure out.
22 What do we do with this? Can we file a lawsuit
23 against a superintendent for not making a report?
24 What good will that do? They'll just make a
25 report. And then, you know, this is kind of what

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 we had to work with. It is a different
3 environment with the standards.
4 We're going to take Jenny to
5 science class. It's now 10 o'clock. We're going
6 to get through this. We're doing a little better
7 than I thought.
8 So if Jenny's like some kids that
9 I know, she walks into her science class and there
10 are smart boards, there's software. Apparently,
11 you can learn chemistry through software now.
12 Things have changed a little. There's equipment.
13 There's stuff to do experiments with.
14 If Jenny's like some other kids I
15 know, she walks into, essentially, an empty room
16 with some wooden benches that used to have a few
17 microscopes and no longer have much of anything on
18 them and she listens to the teacher describe
19 biology or physics.
20 It's really up to us to do
21 something about this. We can do it, I think, by
22 arguing, as I mentioned earlier, that the
23 standards, now that we have them and now that
24 they're becoming a graduation requirement, that
25 they imply that the resources have to be present.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And you can't learn biology simply by being told
3 about what biology is.
4 And beyond just making those
5 arguments, I think we can start talking about, or
6 continue talking about, how to get the law to be
7 more specific about input requirements. There
8 have been a few voices on that front. Of course,
9 all of us have worked on the school funding issues
10 and the resource issues there. Chaka Fattah has
11 distinguished himself by pushing the question of
12 input standards and input measures, not just put
13 them in, and that's what we need to do in order to
14 make sure that Jenny's science class isn't the
15 second of the two that I described.
16 MR. CHURCHILL: Besides equipment,
17 one of the questions, of course, is teachers and
18 class size. Curiously, some states do have
19 regulations on class size. Pennsylvania doesn't.
20 There's no limit, except as the teachers
21 themselves and their unions may bargain for those
22 limits. And this question, again, of resources,
23 we do have, at least in the early grades, through
24 the Star Project in Tennessee and other states,
25 evidence that for kids with -- from urban poor

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 backgrounds, particularly small class sizes,
3 improves learning.
4 But the other side of that or
5 paired with that, also, is other school sizes, and
6 I guess everybody saw yesterday's Times story that
7 tried to say that even big schools can succeed.
8 Although there is a lot of literature that says
9 that it is a lot easier when the schools are small
10 enough so that there is actual interpersonal
11 connection that allows learning to take place and
12 allows motivation for learning to take place in a
13 lot more easy environment.
14 But at the moment, the only way to
15 deal with either of those questions is, again,
16 through the resource issue of is there adequate
17 resources to meet the standards. And the
18 connection there is, of course, can you prove that
19 causal connection satisfactory to the Courts and
20 you can be sure that people are going to be trying
21 to do that.
22 MR. RIESER: So, what actually
23 happens in Jenny's class? I've talked a little
24 bit about that. This is kind of the thing that
25 interests me most because, in the end, it's kind

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 of what matters. Does the teacher stand up there
3 and kind of drones away at her, the way we are
4 with you, or does she break you up into groups?
5 Does she give you some ideas about projects that
6 you could develop yourself? Does she have you
7 work with each other? I think all those kinds of
8 questions are about what teaching really is and
9 what learning really is.
10 Well, you know, the law doesn't
11 really say anything about that. Kind of a -- kind
12 of an amazing omission, if you think about the
13 fact that that's ultimately what learning is
14 about. But, on the other hand, it's kind of a
15 challenge to capture notions of good teaching in
16 legal language or legalese, even if there were an
17 ability to do that.
18 I tend to think that improving
19 teaching and learning has much more to do with
20 supporting leadership. And, of course, there are
21 legal aspects to this, too, because this is all
22 about where we put our money, where we put our
23 time and so forth. It's about leadership. It's
24 about professional development. It's about
25 allowing teachers to continue to learn and be the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 people that they went into teaching in order to
3 be. It's about the involvement of students and
4 families in shaping their own education. And
5 there are bits and pieces of opportunities for all
6 of those things in the law.
7 There is a lot more pushing to be
8 done. There's a lot more resources to be
9 allocated. And there's a lot more time to be
10 found, somehow, in the school day for it really to
11 work. I think that those kinds of approaches
12 supported by the laws we have and, perhaps, the
13 laws that we could get enacted may be more
14 effective in improving schools than mandates or
15 transformation through increasing
16 prescriptiveness, telling teachers exactly what to
17 say, or by replacing 50 percent of the staff.
18 Those kinds of things seem, to me,
19 to offer less, ultimately, in terms of really
20 supporting what ought to be going on in that
21 classroom that Jenny's sitting in and somewhat
22 more of a side issue. Which is not to say that
23 there aren't principals who aren't successful and
24 teachers who need to find another profession and
25 so forth. But an awful lot of our emphasis these

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 days is on that side of the ledger and it seems,
3 to me, there's less on the support side of the
4 ledger.
5 MR. CHURCHILL: The good side of
6 the lack of any strong hook for lawyers is that it
7 leaves an enormous amount of room, actually, for
8 educators to do what they determine will be
9 successful. And we're going to be hearing a lot
10 about their research and what they think that
11 should be, but the underlying question, then, is
12 going to be: How come not more? Why isn't it --
13 if the law doesn't prevent it, what else is
14 preventing it?
15 And one of the other pieces that
16 we need to look at is, as we tend to think we know
17 answers, or as politicians tend to think they know
18 answers, how do we keep them from doing some real
19 harm? And some of those areas that we're going to
20 come to next in Jenny's career may actually spell
21 it out when we get to legislators and lawmakers
22 beginning to tell schools how they should deal
23 with, quote, unquote, disruptive children and
24 children who are having problems fitting in with
25 the pattern that outsiders believe ought to be the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 standard. So maybe we ought to turn to that.
3 MR. RIESER: Well, first of all,
4 it's 12 clock and Jenny can go home now because
5 she's in an alternative school and alternative
6 schools in Pennsylvania are actually allowed to
7 operate for a minimum of 15 hours per week. So,
8 actually, she could have gone home at 11:00.
9 It's one of the areas where --
10 it's one of few -- relatively few areas where we
11 actually have state mandates, or I suppose I
12 should say sanction: Delivery of an inferior
13 educational opportunity. And if anyone believes
14 that the amount of time spent learning has
15 anything to do with learning, our statutes and
16 rules in Pennsylvania do pick out a class of kids
17 who have had behavior incidents in school placed
18 in alternative schools and then tell them that
19 they can go home at 11:00 or 12:00. So that's an
20 area we need to work on.
21 Assuming Jenny isn't in an
22 alternative school, she's still in school, but now
23 a box cutter drops out of her backpack and
24 clatters to the floor. We'll assume it's from her
25 job unpacking boxes at Rite Aid in the evening, or

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Jenny gets into a fight, and who knows why. Maybe
3 someone else started it. Maybe she started it.
4 Two different kinds of problems, obviously, but
5 the law currently responds to them in more or less
6 the same way. It's heavily tilted toward
7 supporting zero tolerance approaches, exclusionary
8 approaches, five-minute approaches, and report to
9 the police approaches, and there's very little in
10 the law, at the moment, that really supports the
11 development of positive behaviors, social skills
12 and so forth.
13 Now, that's not to confuse, you
14 know, whether there should be box cutters in
15 schools with the issue of social skills, but it is
16 to say that we need to find -- to take like a
17 silver lining approach. It's great that the pool
18 is open for schools to institute positive
19 approaches, to some extent, but it would be a lot
20 better if we really supported those approaches.
21 One of the possible amendments, I
22 think, to the revised Elementary Secondary
23 Education Act grew out of a bill that then-Senator
24 Obama sponsored supporting the development of
25 positive behavior support programs in schools. I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 think that would be a great thing to have in
3 Jenny's school.
4 MR. CHURCHILL: Well, it's
5 important to actually turn to one of the areas
6 where there is the most, in some ways,
7 prescriptive and most supportive legislation and
8 that's if Jenny actually has been identified as
9 having a behavior problem that arises out of
10 disabilities because, in that situation, she then
11 becomes entitled to all of the protections and the
12 support that the Individuals with Disabilities
13 Education Act provides.
14 And IDEA actually has an enormous
15 amount that is fair game for lawyers to work on,
16 not just for the procedural protections that I
17 think have -- so many of us have seen over the
18 years, but actually for the standard of free
19 appropriate education. You know, the Rally Court,
20 while saying that it didn't mean maximize the
21 potential for the child, did say it meant
22 year-to-year progress appropriate to the child's
23 abilities, and that's a real standard. It talks,
24 also, about utilizing the best practices so that
25 you can actually see what is happening and what

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 kinds of support systems the child is being given.
3 It talks about qualified and trained teachers in a
4 way that appropriate -- the skills appropriate to
5 the needs of the child.
6 These are all beginning to begin
7 to provide lawyers and parents, particularly
8 parents, with the kind of standard that is
9 actually useful in trying to make sure that the
10 help and the support that will allow the child to
11 learn is made available. And my colleague, Sandra
12 Kerr, her panelists are going to talk more about
13 that. But it is a remarkable statute. It is
14 probably the first that begin to actually put in
15 some concepts of educational progress that is
16 necessary and measurable of any of the statutes
17 that affected Jenny's school day.
18 What else? We've mentioned the
19 parents who are important advocates for Jenny if
20 she has special ed. What role do parents have
21 under the Pennsylvania statutes in the child's
22 schooling otherwise?
23 MR. RIESER: I'm going to try to
24 wrap this up because we have some other classes to
25 attend to in this room. I think I did touch on

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 the fact that there is, in the law, now -- there
3 are in the law a number of opportunities,
4 openings, for parents, and perhaps we'll talk more
5 during the day about how that works. I do think
6 we need to stop. It's about time for Jenny to go
7 home.
8 She had five-and-a-half hours of
9 instruction, by the way, if she was the school in
10 Pennsylvania, and one might ask whether that's
11 really the right amount. 5.5 hours, times
12 180 days may not be enough to make our educational
13 system any better than others.
14 But I hope, at least, that you've
15 got from this the fact that there are some
16 opportunities. There are some exciting
17 opportunities to support our students's abilities,
18 despite all the setbacks and turnarounds that
19 we've had, and we hope that the rest of the day
20 will help you think more about what those
21 opportunities are. Thank you very much.
22 (Applause.)
23 MR. CHURCHILL: Our next panelist
24 is really a fantastic one. And I think I will
25 make my introductions, first, for all three

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 panelists, if they'd come up. Deborah, do you
3 want to join us up here? And Torch? I think I
4 saw him someplace here. There he is. He's
5 hiding.
6 MR. JOSEPH: One announcement:
7 The air-conditioning does work in the reading
8 room. So if you need some cooling-off period,
9 walk into the reading room where you registered.
10 MR. CHURCHILL: Well, I'm really
11 excited about this next panel. We have brought to
12 you some marvelous people who, for us lawyers, is
13 a relief to actually hear about what happens and
14 what works in schools rather than what we -- all
15 the statutes are telling us should happen. So
16 this is -- this is the real stuff.
17 And essentially, we're very
18 fortunate to have Penny Bender Sebring here with
19 us. She is, I think, with the publication of her
20 recent book that she has co-written, the
21 preeminent researcher in what is -- leads to
22 improvement in schools and the country. She is
23 the founding co-director -- I guess that's the
24 right title -- of the Consortium Chicago School
25 research, and she's a senior research associate at

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 the University of Chicago. She previously worked
3 at the National Opinion Research Center at the
4 university where she studied also progress,
5 longitudinal results for middle and high school
6 students. She is a graduate of Cornell College
7 and has a Ph.D. from Northwestern. Outside --
8 well, she's also a director of the Chicago Public
9 Education Trust Fund. The -- she's written two
10 books, which will be available, I believe, outside
11 in the foyer at our break, and she is going to
12 talk about them, so I will preempt that.
13 Deborah Meier has been a teacher
14 for almost four decades. She is now a scholar at
15 the School of Education in New York University.
16 She has been described as a visionary, but
17 frankly, to the extent that suggests to people
18 that she is airy and not based in reality, she is
19 the living disproof of that. She has done so much
20 in making real schools work and that visionary is
21 only really a half of her title. She is the
22 founder and was the teacher/director of the
23 Central Park East Secondary School in New York
24 City, and similarly, I guess, that was her role in
25 the Mission Hill School in Boston, both who served

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 inner city school children.
3 She has been a prolific author and
4 the list of her books include: Playing For Keeps,
5 Many Children Left Behind, In Schools We Trust,
6 The Powers of Their Ideas. She has a blog, which
7 I just encourage everybody to read and look at.
8 It will either confirm your views or challenge
9 them; but in either case, it is an intellectual
10 treat.
11 And finally, we have Torch Lytle.
12 Torch is now a professor at the Graduate School of
13 Education at University of Pennsylvania. I first
14 knew him when he had the title -- I think it was
15 executive director for planning, research and
16 evaluation in the School District of Philadelphia.
17 But Torch has, I think, filled every single
18 possible role in the school system that is
19 imaginable from teacher, principal of an
20 elementary school, principal of a middle school,
21 principal of a high school -- they really must
22 kick him out fast -- assistant superintendent and
23 then superintendent in Trenton beginning in 1998.
24 What was it, Torch, for eight or
25 ten?

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MR. LYTLE: Eight. That's two
3 standard deviations (inaudible).
4 MR. CHURCHILL: He says that's two
5 standard deviations of a norm for superintendents
6 and probably also a norm for Ken holding a job.
7 But his latest book is Working For
8 Kids: Leadership As Inquiry and Invention. And
9 he has his doctorate from Stanford.
10 We're delighted to have these
11 people on our panel to share their ideas with us.
12 And I'll turn it over now to Penny.
13 The procedure's going to be we're
14 going to have Penny explain the research that has
15 been done and what it means for the rest of the
16 country, based on what she's learned in Chicago,
17 and then two of our panelists will sort of respond
18 about it and then we'll have questions.
19 MS. SEBRING: Well, good morning,
20 everyone.
21 AUDIENCE: Good morning.
22 MS. SEBRING: This is like school,
23 there's no air-conditioning.
24 (Laughter.)
25 So, Jeremy, do you want to fire up

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 our PowerPoint?
3 So, I am glad to be back in
4 Pennsylvania. I actually lived here for 13 years
5 in Central Pennsylvania. I got my teaching
6 certificate from Penn State, and I did my student
7 teaching at Tredyffrin-Easttown Middle School.
8 And my husband Chuck is here with me. He's in the
9 second table back, and Chuck has ties here, too.
10 He grew up in Telford in Union Township, which we
11 took a ride to see yesterday as we arrived. And
12 he got his MBA from Horton. So we're somewhat
13 familiar with your city.
14 Okay, Jeremy?
15 So the first thing I wanted to do
16 was to -- was just to remind people that this
17 book was -- the book I'm talking about today was
18 written by five of us, and these are my coauthors:
19 The first, the senior author, is
20 Tony Bryk, who I helped found the consortium with
21 20 years ago. Tony was our senior director for
22 many years. He is now the President of the
23 Carnegie Foundation for the Advancement of
24 Teaching.
25 The next one is Elaine

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Allensworth, director and colleague, very talented
3 researcher, and she's our senior research officer.
4 Next is Stuart Luppescu, who is --
5 cares about careful measurement and has helped us
6 develop very reliable and valid surveys, as well
7 as to do a very careful analysis of test scores.
8 And then, finally, John Easton,
9 who was our senior director until a year ago last
10 year. At that point, President Obama named him to
11 the director of the Institute of Education and
12 Sciences, probably one of the most important
13 research jobs in the country. So we have quite a
14 group.
15 Before going into the research,
16 I'll say a little bit about the consortium. We
17 started 20 years ago. At the time we started, we
18 were very concerned about the fact that a lot of
19 research sits in journals, it sits here on
20 shelves, it just doesn't get used. So we set
21 about to invest, really, a new way of doing
22 research where we did it in a very engaged way
23 with educators and policymakers and civic leaders
24 and it affected the kinds of questions we asked
25 and the way we shared our information.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So what we try to do is to do high
3 quality studies that meet the standards of the
4 University of Chicago, but are also practicable
5 and help to form -- help to form policy and
6 practice in Chicago inner schools. We don't
7 advocate for any particular program, but we do try
8 to break down the barriers between researchers and
9 others who are working on school reform. And we
10 try to search for the problems together -- search
11 for the solutions to the problems of urban
12 schools.
13 The consortium is part of the
14 Urban Educational Institute at the University of
15 Chicago, which is a much broader group, and we're
16 dedicated to building knowledge through both
17 scholarship and knowledge of good practice,
18 building knowledge to help us improve urban
19 schools. And in addition to the consortium, we
20 have an innovative teacher training program that
21 has a long residency period. We also run four
22 charter campuses of the University of Chicago
23 Charter School. So we try to bring all of this
24 together.
25 In the beginning of the book, in

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 the prologue, there's a description of two
3 schools, and we notice these schools early on.
4 They're both located in about the same section of
5 the City, both a hundred percent African American,
6 both a hundred percent low income, both were among
7 the a hundred worst schools in reading and math in
8 the early 90's. Over a period of seven years, one
9 of those schools moved forward; that was Hancock.
10 And the other one actually stayed the same or got
11 a little worse.
12 Okay. And the next slide.
13 And so they were kind of like a
14 lot of other schools. And here, we see the
15 tremendous variation in the percent of students
16 meeting national norms. The top line, the blue
17 line, shows the top order of schools over this
18 seven-year period, and that's a hundred schools, a
19 hundred elementary schools. The dotted line shows
20 the worst schools and their trajectory over a
21 seven-year period. So it raised the question:
22 How did Hancock beat the odds, and what happened
23 to Alexander, and why did he have a hundred
24 elementary schools make substantial progress in
25 their learning grades whereas a hundred schools

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 just stayed the same?
3 Okay. So that's what stimulated
4 our study and, actually, at the beginning, I don't
5 think we knew how complicated this was going to be
6 or how long it would take, but what we were really
7 trying to do was to take an empirical attack on
8 this question and really understand the internal
9 workings of the schools and how to differentiate
10 the two groups and understand, also, the community
11 or external conditions.
12 So this work began over 15 years
13 ago, and we had done some work with the
14 superintendent, Archie Johnson, and a group of
15 people to start to create a guide for schools on
16 how to go about improving their schools. And out
17 of that work -- and this is a group of teachers,
18 principals, school reform organizations, people in
19 the central office, other researchers -- and out
20 of those conversations in those early years came
21 the gist of an idea, which eventually became the
22 framework for our study.
23 So to start with, look at the
24 classroom black box. That's where learning takes
25 place, but how successful a teacher is with his or

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 her students depends very much on those other
3 aspects of the school organization or what we call
4 the essential supports, the five essential
5 supports.
6 So looking at these one at a time,
7 school leadership is the driver for change and,
8 then, in effective schools, we see the school
9 principal as being strategic, as being focused on
10 instruction. These principals engage other
11 people, other teachers and other staff in the
12 leadership group as well. So they're inclusive,
13 and it goes without saying they need to be an
14 effective manager.
15 The next area is the
16 parent/community ties. In strong schools, where
17 these ties are strong, teachers actually know
18 something about the local culture and they draw on
19 that in their teaching. There's a lot of activity
20 to reach out to parents and the schools draw local
21 organizations to help them, particularly with the
22 needs of the students and their parents.
23 The professional capacity rests
24 very much on the quality of the faculty and the
25 staff who are recruited to the school. But in

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 addition, those people have to have ongoing
3 opportunities for learning. They have to have --
4 the faculty has to have a sense of collective
5 responsibility, that they're responsible for the
6 progress of the whole school and not just their
7 classroom. And finally, the faculty and staff
8 have to come together in what's called a
9 professional community. There's got to be a lot
10 of teamwork.
11 Next, the learning climate. First
12 and foremost, and it's unfortunate we even have to
13 talk about this, but particularly in our urban
14 schools, safety and order are a huge issue. And
15 this is actually one of the most powerful
16 indicators of successful schools and the students.
17 The climate has to -- the kids have to be pressed
18 to learn challenging material, but at the same
19 time, supported in that -- in the process of doing
20 that.
21 And then, next. Okay. We've got
22 this thing in the way here.
23 And lastly, we talk about
24 instructional guidance. So in strong schools,
25 there's a coherent well-recognized curriculum and

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 a curriculum that asks students to learn new
3 material each year. And that seems like an
4 obvious statement, but we found that several years
5 ago, in a study we did on pacing in math, that
6 once you get to fourth and fifth grade, the
7 introduction of new content actually started to
8 fall off in Chicago. And so a critical point here
9 is that you have to keep introducing new material,
10 even though it seems like a very basic point. And
11 then, in addition, the academic worlds need to
12 encompass their own basic schools with the more
13 challenging intellectual tasks.
14 So the concept of essentiality
15 kind of relates to a metaphor I used in the book,
16 and we got this from the former vice president of
17 our teacher's union, who used to say, "Well, if
18 you're baking a cake, you need all the
19 ingredients. So what kind of cake would you have
20 if you left out the eggs or the baking power?"
21 And what we say about the essential supports is
22 they're kind of a recipe of sorts, that you really
23 need all of them and if you leave any one out,
24 you're not going to be successful.
25 So now, we'll just look at some of

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 our findings. These are the data resources we
3 had. We had student test scores going all the way
4 back to 1987. We do extensive surveys of
5 teachers, students and principals, and we have
6 data from 260 elementary schools. We also drew on
7 a study of communities that had been done by a
8 sociologist. We obtained crime statistics by
9 census block. And for each school, we were able
10 to obtain the percentages of students who have
11 ever been abused or neglected.
12 We also made one very deliberate
13 decision, and that was we left out magnet schools
14 and high achieving schools from our analysis.
15 That was about 15 percent of the elementary
16 schools. We left them out because we were most
17 worried about the neighborhood schools and
18 understanding what it takes to improve them.
19 Now, our indicators of
20 improvement, in the next few slides you'll see
21 words like "substantial improvement" or
22 "stagnation." So we had, basically, two kinds of
23 indicators. One was attendance. We looked to see
24 whether attendance improved over time.
25 Secondly is the school's value

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 added to student learning. And for this, we
3 created a learning gains index. So we started
4 with each individual student, went back to the
5 prior year to see what their test score was
6 compared to the current year and did that over and
7 over again over seven years. And so what we
8 were -- what we're really focused on is the
9 improvement and gains and whether the gains were
10 getting larger. And that's a pretty high bar. So
11 you'll see in the next few slides we'll contrast
12 the schools with strong improvement versus the
13 stagnation.
14 And a little footnote here, I'm
15 going to answer Deborah's question. She asked me,
16 "Well, how did Chicago do on the National
17 Assessment of Educational Progress?" So -- and
18 there are now about 18 large school districts that
19 participate in the national assessment, which is
20 this very highly regarded federal assessment.
21 And, frankly, Chicago generally is below average
22 compared to the full group of the cities.
23 Philadelphia is, too. So we can commiserate where
24 we are and talk about how we can get better.
25 However, Chicago, like the other cities, has been

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 improving in its math indicators. The most recent
3 report on the reading has not come out yet. So
4 that's an answer to that.
5 All right. So here, we are going
6 to look at schools that are strong and weak in
7 each of the areas. Each area, one at a time. And
8 what this shows is the percentages of schools that
9 improved substantially in reading. So the -- I
10 think, kind of kiwi color. It's yellow, normally.
11 But on this projector, it's kind of kiwi --
12 represents the weak schools. These schools were
13 rated weakly on all these five areas, and you can
14 see that a relatively small percentage of them
15 improved substantially over the seven-year period.
16 Okay. Now, if we add the maroon
17 bars, these are the schools that were strong in
18 leadership, strong in parent involvement and the
19 other areas. And in just looking at leadership,
20 there were over four times -- or they were about
21 four times more likely to improve if they were
22 strong in school leadership by itself, and you see
23 roughly the same pattern going across.
24 Okay. And here we have
25 mathematics and we see a similar pattern. The

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 strong schools, far more likely to improve
3 substantially, at least their rating is getting
4 larger, than the weak schools.
5 And this is attendance. And for
6 attendance, the attendance doesn't
7 differentiate -- the strong or weak schools don't
8 differentiate too much on attendance. But notice
9 safety and order. So the schools that were strong
10 in safety and order are three times more likely to
11 improve attendance than the schools that were weak
12 in that area.
13 So I'm not going to show a very
14 complicated graph because it will take too long to
15 explain. So I'll just say that, in the analysis,
16 we started looking at one score at a time, and
17 then we looked at two at a time, and then,
18 finally, three and five at a time. And what we
19 saw was that the real value of the essential
20 supports is their combining force. And so schools
21 that were strong in three to five of the domains
22 were ten times more likely to improve in reading
23 and math than schools that were weak in three out
24 of the five areas. So it was very -- it just
25 really -- these are just enormous differences.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 We also found that if you looked
3 over time at whether schools were weak in an area
4 and then two or three years later, continued to be
5 weak in that area, that tended to undermine
6 improvement. So we really kind of need all five.
7 Although, at some point, we do talk about three.
8 But over time, you need to really be building a
9 school with all five.
10 Okay. So this one, I think, is
11 trust as the ovens heat. We found the trusting
12 relationships in the school were very predictive
13 of strength in the essential support practices.
14 So going back to our metaphor of baking a cake, if
15 you think about putting a cake in the oven, you
16 have to put it in the oven so it will rise and
17 congeal and cook. And we view trusting
18 relationships in the school in the same way:
19 Provides the social energy. Provides the
20 foundation for people working together in order to
21 build these strong practices.
22 And so to demonstrate that, let's
23 look at the top -- the top graph, which is
24 something called work orientation. And this is a
25 measure of teachers's orientation towards

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 innovation and their commitment to the school. So
3 the black dot -- we're going to -- this is -- it's
4 like we're comparing two schools here. The black
5 dot, the schools are right together. They're the
6 same size. They have about the same level of
7 mobility. The one -- the blue line shows that the
8 school where trust was high in the first time
9 period, when we follow them to the next time
10 period, 1994, they were in the 70th percentile on
11 work orientation, whereas the school that was low
12 on trust in the first time period, if we followed
13 them for three years, we see that they're in the
14 33rd percentile.
15 So the point here is that
16 developing these practices requires an enormous
17 amount of work and detailed collaborative work
18 among the adults and with the students as well,
19 and it's very hard to get this done unless you
20 have a trusting environment.
21 And then the next graph, at the
22 top, just shows a different -- another three-year
23 period, and then the bottom graph shows the parent
24 involvement. So we found very consistent results
25 that trust was very important.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So Michael told me not to spend
3 too much time on this one, which I won't.
4 After the initial seven years, and
5 we replicated the analysis from 1997 to 2005 and,
6 basically, we found the same relationships
7 persisted. The stronger for those schools that
8 were stronger in the supports and those schools
9 that improved over time in the supports. This had
10 a significant effect on their value added
11 measures.
12 And one thing I'll say about this
13 at this point is that some of you may be thinking,
14 well, you know, this all makes sense, doesn't seem
15 like rocket science. It's kind of intuitive. We
16 know these practices are important. But the fact
17 of the matter is, there are not -- in Chicago,
18 there were not that many schools that were strong
19 in even three of its essential supports. So it's
20 something, I think, that educators know
21 intuitively, but to find it in the practice is
22 rare.
23 So up to this point, it's been a
24 pretty, you know, optimistic story. There's -- we
25 found there's kind of a recipe. It's not an easy

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 thing to do, but you can follow these practice --
3 follow these ideas in this recipe to improve
4 schools. But we also need to look at some of the
5 more sobering findings, and these have to do with
6 the profound influence of community context, and
7 that leads us to the part of the study where we're
8 going to talk about social capital of the
9 community and students's needs and how these
10 affect the capacity of schools to develop their
11 essential supports.
12 So this map shows the improving
13 schools. This is a map of Chicago, the 77
14 neighborhoods, and it's shaded according to median
15 income, with the darker areas being the areas with
16 lowest income. And we can see that improving
17 schools, we could find them in most parts of the
18 City.
19 The next one shows the stagnating
20 schools, and you can see that they are
21 concentrated on the west side and the south side
22 of Chicago and in the areas with the lowest
23 income.
24 So I think we're going to skip
25 this one because I don't have too much time to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 explain it.
3 So we did some analysis to try to
4 figure out what comparisons we were going to make
5 and we determined that race and SCS -- race,
6 ethnicity and SCS are highly interconnected. So
7 we create seven groups of schools. And here they
8 are:
9 The first three are a
10 hundred percent African-American schools -- are
11 almost a hundred percent African-American schools,
12 but the truly disadvantaged were -- and you'll see
13 this in a minute -- very poor economically. And
14 then the next group is a little bit better off,
15 and the third group is moderate SCS
16 African-American schools. And then a group we
17 call predominately minority, which is a mixture --
18 mainly a mixture of African-American and Latino
19 students. Then we have the Latino schools.
20 Racially diverse schools, which are at least
21 15 percent Caucasian, so they kind of have all
22 groups in them. And then, finally, racially
23 integrated, which are at least 30 percent
24 Caucasian.
25 Okay. Let's move to the next one.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Oops. All right. Okay. So let's -- do you want
3 to click again? There we go.
4 So just to give you an idea of
5 those communities, the percentage of families
6 living below the poverty line ranges from
7 70 percent for the truly disadvantaged all the way
8 over to 7 percent for integrated schools. And
9 median family income, same thing: About $9500
10 median family income for the truly disadvantaged
11 schools all the way over to over $37,000 for the
12 integrated schools. And, actually, that latter
13 figure is just a little bit above what the
14 national average was for median income at this
15 time.
16 So now we're going to look at the
17 extent to which these groups of schools stagnated
18 or improved. And here, you see the truly
19 disadvantaged had a very -- 45 percent --
20 46 percent of them stagnated --
21 And now can I have the next one?
22 -- and that 15 percent improved.
23 So, in general, as you read from the left to the
24 right, the left side, you see much more
25 stagnation; on the right side, you see more

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 improvement. However, notice that every single
3 group, including the truly disadvantaged and the
4 integrated schools, had schools that improved or
5 schools that stagnated. So we found those among
6 all the groups. The trend is there.
7 So, normally, researchers can stop
8 at this point and say, well, that's just the way
9 it is. But we didn't want to do that. We really
10 wanted to probe this further to find out what are
11 some of the characteristics of these schools that
12 differentiate them so much? So that led us to
13 look at the literature on social capital, and
14 sociologists have been writing about that for a
15 number of years with respect to urban communities.
16 So here, we -- we first think
17 about social capital as bonding social capital,
18 and this is -- that is the connections between
19 people that help them work together towards a
20 common goal. So, often times, in immigrant
21 communities you see this, people working together
22 to help each other. And so from our -- from one
23 of the other studies that we used, we were able to
24 get data from a community study where the
25 researchers had interviewed 8,000 people in

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Chicago about their community, and then we linked
3 their study in ours so we could see how people
4 were describing their communities around the
5 schools in our study.
6 We had measures of collective
7 efficacy, which is the social condition of the
8 community. We had measures of religious
9 participation. We also, as I mentioned, had crime
10 statistics, and we put this on the list as a
11 negative indicator of social capital, because high
12 crime tends to undermine the ability of people to
13 get together and work together.
14 We also had a measure of what we
15 call bridging social capital, and bridging social
16 capital is connections that people make to people
17 who are not like them, that are different from
18 them in some way. And our measure here was
19 whether people in these neighborhoods had contacts
20 with people in other neighborhoods.
21 Finally, we knew that we have
22 children living under extraordinarily difficult
23 circumstances and we did get data on the
24 percentage of students who had ever been abused
25 and neglected in the schools in our study and who

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 are in and out of family care.
3 Okay. So now we're looking at the
4 characteristics of communities in relation to
5 their essential supports. So essential supports
6 are less likely to develop in communities with
7 weak bonding and bridging social capital.
8 Let me just explain the fist set
9 of bars there. The blue bar is communities that
10 are high in -- I'm sorry -- low in religious
11 participation. Only five percent of the schools
12 in those communities improved substantially. The
13 maroon bar is schools that are high in religious
14 participation, and you notice that they -- almost
15 40 percent of the schools in those communities
16 improve substantially. And we see the same thing
17 for collective efficacy and for connections to the
18 outside. So weak social capital depresses the
19 probability of developing a strong school.
20 This graph shows that essential
21 supports are unlikely to be strong in schools
22 servicing communities with high crime rates and
23 high percentages of abuse and neglect. So the
24 blue bar is communities high in crime. Very few
25 schools in those communities have -- for strong

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 schools had strong essential supports.
3 Among the low crime areas, we had
4 36 percent of those were substantially improved --
5 or I'm sorry -- 36 percent of those had strong
6 essential supports. And then we had a similar,
7 although more dramatic, comparison between the
8 schools that had relatively high percentages of
9 abuse and neglect, and almost none of those
10 schools in that community had strong essential
11 supports.
12 Okay. Tom and Sara, how much time
13 are you allowing me?
14 MS. SARA: A couple minutes, one
15 minute, two minutes.
16 MS. SEBRING: Okay.
17 MR. JOSEPH: Two.
18 MS. SEBRING: Two, okay. So let's
19 skip this one, then.
20 So our -- we did find that those
21 communities in the disadvantaged communities -- or
22 those schools in disadvantaged communities that
23 had strong essential supports did improve
24 substantially, so the essential supports are
25 important for all kinds of schools. We found,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 however, that in the most disadvantaged
3 communities, the supports had to be very robust.
4 Okay. All right. And so now I'm
5 going to, maybe in one minute, just give a preview
6 of something else that's coming, and that is that
7 this research was based on a very extensive survey
8 system. Now districts are asking us to make our
9 surveys available to them and we're getting ready
10 to do that. An important thing to remember is
11 every time we do a survey, we return the results
12 to every single school. So every single school
13 sees how it's doing on the essential supports.
14 And we are -- we're now building capacity to do
15 that for other school districts as well.
16 So let me just show you what a
17 school report looks like. So this is, the first
18 picture, if your school has been -- done a survey
19 and you're getting a report back, this is the
20 first picture you see. And my son-in-law says it
21 looks like the inside of a Chinese takeout box.
22 (Laughter.)
23 MS. SEBRING: So it shows the five
24 areas, and green is good, red is bad. Let's just
25 look at professional capacity over there on the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 right. There are several components of
3 professional capacity. Each of those components
4 has measures associated with them. For example,
5 whether teachers are having reflective
6 conversations about teaching.
7 Okay. Surveys -- we survey all
8 teachers and survey students grades six through
9 12.
10 Okay. Let's go to the next one.
11 Here's how a school can compare themselves to
12 other -- to other schools. They can see how
13 they're doing over time. They can see how they're
14 doing in a system average in the schools like
15 them.
16 MR. CHURCHILL: Good.
17 MS. SEBRING: So that -- this is
18 something Philadelphia could do.
19 (Laughter.)
20 MR. CHURCHILL: Wait one minute,
21 because I had one -- we're going to save questions
22 until the end, but I actually have one which I
23 need to have. If you would go back to chart 29,
24 the one she said she was going to skip, for a
25 second.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MR. JOSEPH: What page is that?
3 MR. CHURCHILL: That's it. There
4 we go.
5 UNIDENTIFIED SPEAKER: What page
6 in the book?
7 MR. CHURCHILL: I can't tell you.
8 It's labeled 29.
9 MS. SARAH: 77.
10 MR. JOSEPH: 77.
11 UNIDENTIFIED SPEAKER: 77.
12 MR. CHURCHILL: Would you explain
13 this chart, at least just with one -- just do with
14 the reading for a moment and tell us what that
15 says.
16 MS. SEBRING: Okay. So this
17 shows -- this shows the percentage of schools that
18 improved substantially. The kind of curved line
19 is -- are the schools in the most advantaged
20 communities: Low crime, high social cohesion, low
21 abuse and neglect, et cetera. The mustard-colored
22 line is -- are the schools in the disadvantaged --
23 just those opposite characteristics. And then, at
24 each point along the bottom, it shows -- you go
25 from the schools at the bottom on the left side

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 are the schools that were weak in the essential
3 supports, schools in the middle were average, and
4 schools on the right were strong. And so what it
5 shows is that, regardless of the community, with
6 more supports, you did better.
7 I think the interesting thing here
8 is the gap at the average. So it shows that the
9 advantaged communities, they could do -- they
10 could still improve, even with average level of
11 essential supports. Didn't have to be all that
12 strong. However, the disadvantaged communities,
13 they couldn't. They had -- the only way that they
14 really succeeded convincingly was to have the
15 strong supports.
16 MR. CHURCHILL: Thank you for
17 that, but one further question. I notice that
18 when you have both high community resources and
19 high in-school supports, you're still showing -- I
20 think this is the right way to read it --
21 50 percent of the schools are substantially
22 improved. Does that mean 50 percent of the
23 schools, even with all of that working for them,
24 are not improving? And what is that telling us?
25 MS. SEBRING: Yes, that's always a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 question. Why didn't all the schools improve?
3 It's, you know, I think partly this is because we
4 don't have perfect measurements; and if we had
5 even measured more deeply, especially in the
6 instructional area, we might have gotten slightly
7 different results.
8 I look at this a little bit like
9 why I take medication. So if taking medication is
10 going to improve my chances of good health by 40
11 or 50 percent, I'm going to take it. Okay? And a
12 lot of medical research, actually, if you look at
13 your -- if you look at the leaflets that come with
14 your prescriptions, a lot of things are like this,
15 you know, that you have to play kind of the
16 probabilities. So with that, I hope that answers
17 your question.
18 MR. CHURCHILL: Okay. Torch says
19 that he'll be short and sweet.
20 MR. LYTLE: I will, if you'll be
21 quiet.
22 MR. CHURCHILL: Good. Hold on one
23 second.
24 MR. LYTLE: I know this has been
25 very hard work, going through the Organizing For

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 (sic) Schools Improvement book. And yet, those of
3 us in the business feel that this is probably the
4 most substantial piece of work on improving urban
5 schooling that has ever been written. So I
6 commend it to your attention. It does show that
7 no large urban school district is perfect in any
8 way, shape, or form, but there is a great deal to
9 be learned.
10 Now, if you put your finger in
11 your pack, right at the binder that says "section
12 three," and you will turn back one page, you'll
13 find the book in one page. Only I know how to do
14 that.
15 (Laughter.)
16 MR. LYTLE: So on the left-hand
17 side, you're going to find the graphic with a
18 couple of pieces of frosting on it. On the
19 right-hand side, you'll find the measures that
20 were used to define each of the terms that Penny
21 has been using in her remarks.
22 Now, I want to talk very briefly
23 about why I think this work is so important for
24 educators in Philadelphia. Let me start from a
25 simple premise. If I am a parent, the first thing

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I want is safety in my school. I want the teacher
3 and the kids to respect each other. I want a
4 school where people care about my child. I want
5 to trust the school. And finally, I would like my
6 child to achieve. But the first four things are
7 my first concerns. I want the safe school first.
8 And if you watch the charter school market in
9 Philadelphia, you'll see that it's driven very
10 much by parents who are looking for a safe school
11 for their children.
12 Now, if you look at this piece of
13 paper here, the one I'm pointing to and,
14 particularly, the model, this raises a couple of
15 important questions for me. One is, in the
16 current federal policy initiatives, both "No Child
17 Left Behind" and "The Race to the Top" are we
18 seeing policies that, in effect, are supported by
19 the research in Organizing For Schools
20 Improvement, or are we seeing policies that are
21 contradicted by Organizing, and I will argue that
22 in almost every respect, the federal policies are
23 in contradiction, not in support, of the research
24 findings. And I will give you a few examples of
25 that.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 "No Child Left Behind," for
3 example, is driven by accountability, by states
4 testing. They're driven by decision making,
5 choice, charter schools, privatization, teacher
6 qualification requirements, merit pay, competition
7 and so on. Underneath it all, "No Child Left
8 Behind" introduces market models in the public
9 school area. And Philadelphia, they have one of
10 the most aggressive experiments in market-driven
11 reforms that we can find in the country in the
12 presence of expanding charter schools, the
13 education management organizations and the
14 remaining public schools.
15 You will note that, in
16 Philadelphia, the strategy, particularly during
17 the Balacera Latin general election, you spin off
18 the lowest performing schools and, voila, the
19 performance in the organization goes up. If you
20 don't understand the mathematics of that, see me
21 after class, but...
22 Now, when "Race to the Top"
23 emerged -- and "Race to the Top" is unique in
24 federal policy or in federal program
25 implementation because the Congress never

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 authorized the provisions of "Race to the Top."
3 Instead, "Race to the Top" is funded through
4 stimulus allocations, and it has given the Obama
5 administration enormous leverage and authority in
6 awarding grants, which is why you see things like
7 "Race to the Top" funds awarded to 16 states
8 rather than to 50 states.
9 So the Obama administration -- my
10 own point of view, I will vote for Obama again, I
11 promise, when the presidential election comes --
12 but in a sense, they have taken the Bush agenda
13 and driven it even farther than was the case when
14 the Bush administration was in place because the
15 "Race to the Top" policies really drive things,
16 like tests, that tie directly to individual
17 teachers.
18 So one of the requirements for the
19 "Race to the Top" grant was that you had to have a
20 state testing program that allows you to tie the
21 test results to the child that taught -- or to the
22 teacher who taught your child. Now, you could
23 claim that this is evidence for transparency. You
24 could also claim that there's absolutely no
25 evidence, at this point in time, that either merit

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 pay or teacher accountability that ties directly
3 to student tests improves student performance.
4 And there are a variety of reasons why that is, in
5 fact, the case, and the reasons are on this piece
6 of paper.
7 The most important thing, as far
8 as I'm concerned in my school's work, is
9 relational trust. The kids have to trust the
10 teachers. The teachers have to trust the
11 principal. The parents have to trust the
12 principal and the teachers. And the kids have to
13 trust everybody. And if those conditions are not
14 attained, as you have seen, the probability of
15 school performance is exceedingly thin.
16 So a very good question is: What
17 are districts doing to improve relational trust?
18 How are they managing this whole set of conditions
19 here? And in Philadelphia and Washington DC, for
20 that matter, one of the things that is currently
21 the case is that principal turnover in schools
22 have been accelerated would be a kind word. In
23 the most recent edition of the Philadelphia
24 Notebook, the efficacy newspaper, we learned that
25 over 100 principalships out of 265 schools have

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 changed in the last year. And the same thing is
3 true in the District of Columbia, principal
4 turnover has been somewhere in the 30 percent
5 range annually.
6 Well, go back to the piece of
7 paper here. Leadership drives change. Leadership
8 drives improvement. If you do not have the same
9 principal for more than six months in the school,
10 the probability is that nobody's going to learn to
11 trust anybody. So if you have continuing
12 leadership turnover, you have a -- it's a nice
13 simple -- I mean, there are a lot of other
14 conditions at play, that one alone suggests that
15 the probability of success over time is
16 dramatically diminished.
17 If you add in the intervention
18 models in low performance schools, throw people in
19 the street, convert the schools into charter
20 schools, impose scripted curriculum and other
21 fancy solutions, again, you don't have a set of
22 conditions that builds trust in any way, shape, or
23 form. Essentially, you're experimenting with
24 other people's children in inner city communities
25 and are requiring people to participate in an

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 exercise that is not supported by what we know
3 best.
4 And I guess I would -- you may
5 ask, you know, why is it that I make statements
6 like this, and one is that I've lived in this
7 world for a long time; another is that I teach
8 teachers and the teachers that I teach all teach
9 in either Philadelphia charter schools or in
10 Philadelphia public schools. Most of them teach
11 in high school, believe it or not. And when I ask
12 my students, what is the level of relational trust
13 in your school? Do people trust each other?
14 Two -- I've done this for three years now. The
15 answer, ever year, has been no one. No teacher I
16 work with works in a school where people trust
17 each other. So you ask yourself, how is it that
18 we are going to get rid of this as we go?
19 MS. MEIER: You heard the story
20 about the dog that ate the homework right? Well,
21 on the way here, I left all -- everything in the
22 taxi.
23 (Laughter.)
24 MS. MEIER: Yeah, because I had
25 detailed notes and three or four books that I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 wanted to tell you about. So -- and since this is
3 the second time on this trip that I've left
4 something somewhere, it's just a warning. When
5 you get over a certain age, you need an assistant
6 by your side.
7 (Laughter.)
8 MS. MEIER: That's the kind of
9 support --
10 (Laugher.)
11 MS. MEIER: That's for our
12 children.
13 You know, I was thinking -- your
14 remarks were so, so apt. I was thinking that I
15 used to like it when the chancellor of New York
16 City changed every two years because it meant he
17 couldn't get anything done.
18 (Laughter.)
19 MS. MEIER: And the less he could
20 get done, the more I, as a principal or a teacher,
21 could get done. There was a direct correlation.
22 (Laughter.)
23 MS. MEIER: And, unfortunately,
24 that city now has had the same person for a long
25 time, but they've had a greater impact.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 There's one thing that I wish to
3 spend a little more time on, was that I was
4 thinking Philadelphia -- Chicago is a very
5 interesting example of the fact of change within a
6 system itself. And you had the 1988
7 Decentralization Act, and I guess it was about
8 five years, seven years -- seven years of a highly
9 decentralized school system, which a lot of
10 authority was placed in the hands of people close
11 to the action. I have some criticisms about that
12 particular law, but the idea was to provide
13 maximum authority to those closest to the action.
14 And then, I'm a little unclear,
15 but somewhere between -- after 1995, that was
16 reversed -- and was there someone between that and
17 Vallas? That's what I can't remember.
18 MS. SEBRING: He came over after a
19 mayoral takeover.
20 MS. MEIER: After?
21 MS. SEBRING: Yes.
22 MS. MEIER: In any case, then we
23 had -- and you all know -- Vallas. And,
24 unfortunately, there wasn't, in Chicago, a
25 Katrina, so we didn't have a maximum opportunity

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 to do its best.
3 So from 1995 to the present time,
4 but in terms of this study, in 2005, we moved in
5 the extreme opposite direction. And I thought it
6 was interesting because something similar happened
7 in New York. And in both cases, the notion that
8 is publically available to us is that
9 decentralization was a disaster.
10 I mean, when I ask someone about
11 decentralization in Philadelphia, they -- you
12 know, off the top of their heads, they say that
13 it's a disaster. And if I ask about it in New
14 York, the average New Yorker would say, well, that
15 was a disaster. Mail control has changed that.
16 And what's interesting when I look
17 at the data -- and one of the arguments was it
18 decentralized accountability so that nobody could
19 point to somebody else. You couldn't go around
20 and say, "It's the teachers's fault. It's the
21 parents's fault. It's the resources's fault."
22 It's all accountability. That was what, as I
23 recall, the argument for decentralization of
24 power.
25 Now, I think she kind of did one

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 thing very smart, and that was to hire an
3 independent person and group to check on the
4 claims they could make about accountability.
5 Although, I think Duncan -- I know he is -- we all
6 need his support sometimes. But Duncan still
7 keeps walking around acting as though it was his
8 reforms in Chicago that everybody should follow,
9 that it was an example of great success. Just as
10 my mayor, Bloomberg, claims that his record is
11 evidence of school success.
12 And so in thinking about this
13 whole trend, the number of people who have come
14 into our city schools and say, he's super man, you
15 know, people in Philadelphia are a good example.
16 Right? You've been saved by three or four
17 outstanding educators who left amidst a blaze of
18 glory.
19 My friend, Tony Alvarado, came
20 into San Diego following my friend, Tom Payzant,
21 who has since been declared one of America's great
22 chancellors/superintendents, and -- but as what I
23 gather, Bersin and Alvarado's thought was that San
24 Diego was -- needed to be saved. It had just been
25 saved, as far as I gathered from Payzant, who was

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 there for ten years, and Bersin and Alvarado came
3 in and they saved it again. And then -- I don't
4 know who's there right now saving it, but I wish
5 them luck. So just thinking how fast we declared
6 decentralization, how little we studied what could
7 have been done to have improved that work that you
8 did. And we did.
9 You know, it happened in
10 Philadelphia, too. There was a charter school
11 movement before the current charter school
12 movement in Philadelphia that my friend, Michelle
13 Fine, was involved with. And what's interesting
14 is each wave comes, the history's rewritten so
15 that you wouldn't know there had been a previous
16 wave, and you never learn anything from the
17 previous wave. And being as old as I am, I have
18 one enormous advantage over most of you. I've
19 been through this over and over and over again.
20 When I came to New York City --
21 from Philadelphia, by the way, where I was a Head
22 Start teacher -- when I came to New York City,
23 the -- I think there were like 33 percent -- I'm
24 slightly making this up -- 33.6 percent -- I'm
25 going to make it up --

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 (Laughter.)
3 MS. MEIER: -- 33.6 percent of the
4 students were reading below grade level; and
5 within four or five years, 55 percent were. Now,
6 that was true of the school that I worked at in
7 Central Harlem, and it was true of the people who
8 used this reading program or -- this was in
9 reading -- or that reading program. It even --
10 you and I might know what happened. We used the
11 same test year after year after year.
12 Now, it's true I didn't exactly
13 cheat, but it was hard to forget what the items
14 were in the vocabulary section. And it was sort
15 of, you know, natural for me to occasionally focus
16 on --
17 (Laughter.)
18 MS. MEIER: -- the 20 words so you
19 could determine their score in vocabulary and so
20 on and so forth. Or to tell some stories about
21 wood cutters and trees and logs because I knew
22 there was a paragraph about the rings in a tree,
23 which is not exactly something that every second
24 grader would know. But after a year with me, they
25 knew that.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Then after five years, we got a
3 new superintendent who was very smart. He changed
4 the test, and the scores went way down. And now,
5 he could bring them up. And then when he left --
6 (Laughter.)
7 MS. MEIER: -- they would change
8 it, and then they went way down and so forth.
9 And so I started off saying that
10 the person I have least trusted is generally those
11 who gather the information. And so I started
12 reading this book with great skepticism because I
13 thought, another study based on data. What's the
14 old slogan? Garbage in, garbage out. Does that
15 ring a bell --
16 (Laughter.)
17 MS. MEIER: -- with some of you?
18 My husband was in the field of -- worked
19 (inaudible) for that matter -- but in the computer
20 room. Garbage in; garbage out. And it's -- I
21 feel that we've been dealing largely with garbage.
22 I can tell you how to get better
23 attendance rates. It is not true that attendance
24 is always taken first period. When -- I think it
25 was 14 years -- I can't remember which chancellor

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 came to New York and he sent the focus back there
3 on attendance because if kids aren't there, you
4 can't teach them. And it was miraculous,
5 attendance went way up. We took attendance at a
6 different period. Instead of taking it first
7 period, we took attendance the period right before
8 lunch. And nothing in the law says when we have
9 to take attendance. And lo and behold, attendance
10 was better later in the day. Not after lunch, but
11 right before lunch.
12 (Laughter.)
13 MS. MEIER: And the same was true
14 about dropouts. And it's embarrassing to tell you
15 that -- how good I got at never having a single
16 dropout. You know, it's -- people have argued
17 with me when I say we should just say how many
18 kids come into ninth grade and how many graduate
19 every year. And they tell me all the things that
20 make that complicated. People move from here to
21 there. And I say, you know, but it's a lot harder
22 to fudge that than the way you're doing it.
23 Because do you know, at least in
24 New York, if a child moves out of your
25 jurisdiction, he's not a dropout? Now, how was I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 going to know where all these children went and
3 left? Especially if you had a big class. It's a
4 little harder in a small high school how would you
5 know? They disappeared.
6 MR. CHURCHILL: Excuse me. I have
7 just one suggestion, which is, if you'd grace us a
8 little about Hyde Park.
9 MS. MEIER: The people in the back
10 heard nothing that I said, so shall I start at the
11 beginning?
12 Now, there are 12 kinds -- and I
13 won't give you details. If you're a principal,
14 I'd be happy to -- about how you can have zero
15 dropout. And there are some things you should
16 avoid, too, because -- but since nobody actually
17 really wants to catch you. One of the great
18 discoveries I made in New York City when I noticed
19 a certain kind of cheating was going on -- but
20 even my friend, Tony Alvarado, said, "Listen,
21 don't bring it up." And I said, "It's very hard
22 for me not to bring it up because what I'm worried
23 about is that you believe these scores, Tony, and
24 that you're making policy on the assumption of
25 scores."

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 You know, there are reporters,
3 terrible, but there were some schools that were
4 headlined in the New York times, "great
5 improvement," and no one noticed that they were
6 serving a totally different population from the
7 year before. They became gifted. That was the
8 program. They became a gifted school program.
9 And when you see a huge jump in test scores,
10 anyone who knows children and schools knows
11 something's wrong, not something's right.
12 And in any case, I did
13 inadvertently let this fact be known by a friend
14 of mine who's a reporter, who wrote a story about
15 it in the Daily News, and he came back and there
16 he was standing there. And he said, "Don't worry,
17 I didn't like it. I wasn't happy about it, but
18 you warned me, and I don't -- I respect that you
19 felt you had to do it. And he said, "But I want
20 you to do me a favor, come tomorrow night to a
21 party with the school board and because I want to
22 make sure that they don't come after you.
23 And you know, speaking of support,
24 his existence was, for me, an extraordinary
25 advantage to engage in reform because I absolutely

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 trusted him. I didn't trust him; I agreed with
3 him, but I trusted him in terms of the mutual
4 relationship that if -- that he would tell me
5 things straight. He liked to argue and that he
6 would tell me when he disagreed, or sometimes he
7 would pretend he disagreed just to get a good
8 argument going. And that was a tradition I liked.
9 But it's interesting, after all
10 the talk and that's just -- I'm somewhat in
11 despair. I sound perky and cheerful and full of
12 jokes, but the fact of the matter is, I'm feeling
13 extremely -- depressed is the wrong word. I'm
14 suppressing anger, and I guess that's kind of a
15 form of depression, because it is an absolute fact
16 that we have the research to tell us that this
17 race we're on is wrong. It's wrong even in its
18 own terms of the gap between scores.
19 And keep in mind, most of the
20 time, not entirely this report, when we speak of
21 achievement, we somehow think we're talking about
22 test scores as though that's what we're -- is an
23 achievement. But even on those terms in which you
24 would think it would be enormously hard, if all
25 you're devoted to is getting those two scores up,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that we could fail.
3 If all of the national and state
4 and local resources are focused that narrowly, I
5 find it amazing how little change has been in test
6 scores. In fact, I really don't -- that's the
7 thing that troubles me because it seems to me,
8 that back in the old days of New York when we had
9 that leap in test scores, that there'd be more
10 cheating than apparently there is. Or maybe there
11 was so much before that it doesn't matter anymore.
12 That is the advantage of the new
13 scores that's pointing to us, that New York City
14 has, up until this moment, claimed enormous
15 increases in test scores. And the mayor, in fact,
16 got reelected on the basis of his promise to be
17 accountable and his success. A month after he was
18 elected, so to speak, the NAEP results come out
19 and it shows that there's been no change over the
20 eight -- seven years -- or eight years of his
21 reign. The gap was the same. Greater in some;
22 less than in others. Substantially. No chance in
23 NAEP scores.
24 Now, "trust" is a funny word. I
25 think that report has it right, that the trustful

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and respectful relationships are essential, not
3 only to good schools but to democracy. And I
4 think we're suffering from a period in our country
5 of maximum distrust. And I think the schools are
6 a handy place we're putting distrust. I am
7 stunned at the number of business people who have
8 deluded us about the State of the economy for many
9 years, who expect us to trust them now. So
10 sometimes trust is dangerous. And -- but the
11 dilemma is, without it, very little good can be
12 accomplished.
13 And that's why I liked it when the
14 superintendents changed all the time because I
15 didn't even have a chance to trust or distrust --
16 (Laughter.)
17 MS. MEIER: And so I didn't -- you
18 know, it was easy for me because I kept my -- and
19 because I was working in a district where I did
20 trust the superintendent. And that's true for --
21 I've had a charmed career -- that's true for my
22 relationship with the principals that I worked
23 with. It wasn't true about Head Start here in
24 Philadelphia, but it wasn't that I distrusted the
25 head of that. I just didn't respect them.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And the connection between respect
3 and trust is another complicated question. And I
4 think that this study could get at that, but the
5 degree to which children enter a school in which
6 they have been properly taught to be distrustful
7 is a complicated and long term task, and it's
8 certainly related to what children experience in
9 the majority of their waking hours out of school,
10 reasons to distrust the society and the way it
11 treats their parents and themselves.
12 There was virtually not a kid in
13 my high school who hadn't -- a boy in my high
14 school, a boy of color, who hadn't been arrested
15 at least once and most stopped and frisked many
16 times. I raised my children in New York City not
17 to trust. That's a different experience with your
18 relationship to trust.
19 And my support for small schools
20 is not that it's the only way we can build it, but
21 it's the easiest and I'm sufficiently late or
22 lazy, whatever you want to call it, I wanted to
23 make my job as easy as possible. And working
24 full-time in a small school, I couldn't get
25 anything done, and I didn't want to ask the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 teachers to do more than they were doing because
3 they couldn't do more and we all need some form of
4 tunnel vision and my tunnel was hard enough to get
5 through.
6 I couldn't -- I don't have a very
7 good memory for names, so it was hard enough in a
8 school with a few hundred kids for me to remember
9 their names or their parents's names. It got so
10 hard, I was talking to a parent and you're trying
11 to think, do they have a son or a daughter? And
12 you're trying to figure out how to keep this
13 conversation going? Do I say "her" or "him,"
14 until they give me some hint or the kid comes
15 running over. But it's a lot easier. I knew a
16 lot more names than I would have in a big school.
17 So there are a lot of factors that make it a lot
18 easier. And since I think what we're asking
19 schools to do is virtually impossible, I want to
20 make it as easy as possible.
21 And the place I want to always
22 limit is how do kids and the adults in this
23 community -- one of the values that they -- in
24 their daily life together, that we pass on to
25 kids. And by "values," I mean both intellectual

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and behavior values. What do they -- do they want
3 to join our community? Would they like to be part
4 of an adult world? Not all the time, but would
5 they like to sneak in and see what's happening?
6 I was in a school in -- I don't
7 remember where it was -- but I was visiting the
8 school and afterwards, the adults got together and
9 asked me what I thought, but they first had a
10 little moment where someone was complaining about
11 kids that ran in one door and out the other door
12 of what was the office of the staff room. And
13 they were just using it like a hallway. And I
14 said, "You know, I noticed that, too, and it's the
15 greatest compliment they could pay you. They were
16 curious about what you were doing. And they
17 wanted to know what their teachers were up to when
18 they're not in the classroom, and we should make
19 that as available to them as we could."
20 People used to be concerned
21 because kids would see me on the phone arguing
22 with someone downtown, and they'd say, "There's
23 kids in the room." And I'd say, "That's good.
24 Let them hear what it's like when adults engage in
25 an argument with authority." Occasionally, I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 wasn't doing it too well and I wished they hadn't
3 been there, but I deemed it important for them to
4 know that we're not always successful in our
5 relationships with authority.
6 But I don't think there's anything
7 we can pass on to the next generation except what
8 we live ourselves. And that the study, I think,
9 helps focus on the aspects of schools that I think
10 have a shot of giving kids awareness of what
11 healthy adult relationships are like and how their
12 parents can be included in that world.
13 And I just want to mention that
14 sitting back there is my friend, Lynne Strieb, and
15 she has written a book called, Inviting Families
16 into the Classroom: Learning from a Life in
17 Teaching. And it is that notion of invitation.
18 When I first started my children
19 -- we were in Chicago. When I first brought my
20 kids to public school, the message I got was,
21 leave them at the door. I don't care if they're
22 screaming or crying, leave them at the door
23 because your job is over when you get them here.
24 And especially in poor neighborhoods. And the
25 degree to which we express this disrespect for the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 families of those children is just enormous and
3 it's hard to see. It's hard to notice, but it
4 happens in small and big ways every day.
5 And I think we are more and more
6 coming to the point where we are acknowledging, in
7 a terrible way, those studies that Jensen did
8 years ago which he argued that, "those kids
9 weren't capable of serious intellectual work and
10 we shouldn't bother to offer it to them." And I
11 think a lot of the schools that we think work
12 right now have solved some problems by providing
13 kids with a different substance of the education
14 than we offer well-to-do kids. But really it's
15 stimulating intellectual.
16 The word "academic" has now
17 covered things that were never part of the
18 vocabulary. Reading and writing, for that matter,
19 were not academic subjects. They preceded the
20 academy. But we have distorted the word
21 "academic" and I think we should go back to more
22 honorable words, that the purpose of school is to
23 explore and deepen children's awareness in
24 aesthetic, moral and intellectual issues. There
25 is -- and to satisfy a little bit more of their

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 curiosity about the world around them so that it
3 gets deepened over the years and so that a curious
4 four-year-old entering Head Start would be even a
5 more curious 12th grader when they graduated high
6 school. Thanks.
7 (Applause.)
8 MR. CHURCHILL: Well, that is
9 wisdom and that is the challenge, of course, as to
10 how do we bring that into every school. And I
11 think I'll take the privilege of asking the first
12 question, if I may, of Deborah. And of course,
13 first, but what -- you suggested that the thing
14 that the district can do best is to stay out of
15 the way a little bit.
16 MS. MEIER: But tell me, first of
17 all, what's the district?
18 MR. CHURCHILL: I understand.
19 (Inaudible.)
20 MR. CHURCHILL: I understand. But
21 that was the thrust, a little bit about --
22 MS. MEIER: No.
23 MR. CHURCHILL: What should
24 parents be asking the districts to do when they
25 have concerns that their schools don't have that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 trust, don't have the -- and are not producing the
3 intellectual children or child that they should be
4 doing? So while I think we have a wonderful study
5 that says we know what should be done, how do you
6 encourage that or what steps do you take? Because
7 you've said eloquently in some other places that
8 the more pressure you put on the system, the more
9 it's going to cheat. So what is the right kind of
10 pressure that parents should -- and advocates
11 should be putting on the district in order to
12 bring about the kinds of schools that you've been
13 urging on us?
14 MS. MEIER: Well, I think if you
15 want systemic changes that would increase the
16 opportunity for a trust to develop within a
17 school -- now, by the way, I'm still a believer in
18 democracy, despite the fact that I haven't figured
19 out how to make it work. So the criteria is, how
20 to make very strong, real democracies.
21 We teach children about majority
22 voting. I realize there are -- you know, there
23 are three or four states in this union, have
24 one-tenth of the population put together of New
25 York, who can block legislation. You know,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 there's a lot of things still wrong with
3 democracy. So the fact that there are still
4 things wrong with our schools doesn't make me
5 despair. It's when we learn all the wrong lessons
6 from all the research that's out there when we
7 learn what direction we should be moving. So I
8 want us to keep moving in the right direction.
9 When I left New York City -- or
10 before I left New York City, actually, there were
11 in District 4 -- there were a hundred schools
12 where there had been 20 -- 31 -- or maybe it was
13 77 schools that had been 31, and it was
14 nevertheless a very accountable process, and
15 that's probably because the numbers were so small
16 that the people probably trust. Schools were
17 known well. The principals met often and, over
18 time, began to trust each other. There's nothing
19 greater than the distrust between principals. You
20 know, if you got that in your budget.
21 So there are things like school
22 reviews that they -- we do in the pilot schools in
23 Boston. Between the schools and the
24 superintendents, we put together a committee that
25 comes on a regular basis to look and make a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 judgment about schools with access to a lot of
3 information, that included test scores.
4 MR. CHURCHILL: Penny, do you want
5 to take a crack at saying what you think -- your
6 study talks about the district and -- I mean, on
7 the school level -- and I was wondering if you had
8 any thoughts now about what kinds of ways the
9 district can or should intervene in those schools
10 which seem stagnant.
11 MS. SEBRING: Okay. So beyond
12 trust? Beyond building trust?
13 MR. CHURCHILL: Well, how do they
14 go about building that trust that's necessary?
15 Anything that you want to think that would be
16 useful for the outsider to be asking the district
17 to do.
18 MS. SEBRING: Well, in Chicago,
19 actually, the system has adopted the five
20 essential supports as the definition of a good
21 school, and they ask schools to develop their
22 school improvement plan around the five essential
23 supports. And they -- and then the timing is such
24 that they get their survey reports from us, they
25 get their data about how they rank in these five

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 areas in time to develop their school improvement
3 plan. And what that encourages, and not in all
4 the schools, by any means, but in some of the
5 networks of schools, that schools actually come
6 together and talk about these results. And it's
7 actually, in a way -- it's a more objective way to
8 do it so that they don't have to sit there and
9 blame each other of various things and they can
10 kind of be more analytical about why is it that
11 trust is low. So I think you can use the data as
12 a -- in your planning.
13 MR. CHURCHILL: Torch?
14 MR. LYTLE: First, I want to
15 commend to the audience a new study by the Wallace
16 Foundation that simply addresses this question of
17 how you teach -- how you connect leadership and
18 learning, and you can access it from publications
19 at the Wallace Foundation website.
20 And this study makes several
21 arguments. The first is that neighborhood or
22 context matters, and that certainly is clear in
23 Chicago where -- one of my concerns in
24 Philadelphia is that schools are treated as
25 uniform and there isn't really any consideration

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 in evaluating or making the determination about
3 whether they're doing an adequate job. There
4 isn't any consideration of where they're located
5 and who their student intake is. And those
6 things, obviously, need to be in consideration
7 when determining what help schools need and what
8 reasonable judgments might be made on it.
9 The Wallace Foundation list I'll
10 give you in six seconds: Provide human and
11 financial resources, provide flexibility in
12 pursuit of goals, help organize the data and help
13 people use -- make sense -- and give people help
14 in making sense of it -- that includes parents,
15 kids, teachers and administrators -- have clear
16 direction regarding achievement standards and
17 district-wide curriculum -- that would include an
18 assessment program that's reasonably stable --
19 provide continuing principal and teacher support
20 and development, and maintain leadership
21 stability, something I spoke about earlier. So --
22 and I'm not making those things up. Essentially,
23 those are the district conditions that have
24 emerged from very extensive studies that Wallace
25 has underwritten.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MS. MEIER: I think there are two
3 things that people often leave out. One of them
4 is time. You know, there was a list in some book
5 I read recently -- maybe it was in that book. No,
6 it was someone else. James Bollman, I think it
7 was -- who listed what fields of books were
8 covered in 1900, in education, and what's covered
9 in the 1920 curriculum.
10 We keep expanding what schools
11 should do as though time is not a factor. And in
12 a great many of the countries that we are
13 competing with -- why must we compete with them?
14 Why can't we all get to do better -- that we are
15 competing with, teachers teach fewer instructional
16 hours and have more time.
17 To assume that we simply should
18 add to the day -- because getting trust with
19 parents, for example, if we really meant it,
20 that's an extraordinarily time-consuming job,
21 especially for kids whose families have
22 experiences in school, too. And a lot of reasons,
23 societal reasons, is we start off with distrust.
24 The amount of time that it takes and how you
25 organize that time and at what price in other

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 ways -- you can't expand 24 hours. It's enormous.
3 And I think -- the other thing I
4 think we should think about is due process, which
5 you rather attacked today. I feel safer in an
6 environment where someone with greater power than
7 me can't instantly change my life by deciding to
8 say, you've lost your job. I think it's a value I
9 want to instill in kids because I think it's in
10 the heart of democracy and I think we're in a
11 period right now, and it strikes very close to
12 home for me, in which we think it's an advantage
13 for teachers to believe that we can be fired at
14 any moment because the principal says they're a
15 bad teacher.
16 And whatever the principal or the
17 superintendent says about those teachers, you
18 know, as I said, we are people in a rubber room --
19 we're sex abusers and so forth -- who knows what
20 they're there for? I'm not sure that anyone knows
21 I'm there for sex abuse. But no one knows because
22 no charges have been brought against those people.
23 MR. CHURCHILL: Okay.
24 MS. MEIER: None. They're simply
25 in exile. And so due process, which I think is a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 larger issue, but I think if our schools don't
3 honor it, to say we're preparing kids to defend it
4 is questionable.
5 MR. CHURCHILL: Okay. Let's have
6 some questions. Who would like to start?
7 MR. SEIL: I have many, many
8 questions, and it's a little hard to pick the
9 right one, but --
10 UNIDENTIFIED SPEAKER: Can you
11 speak up?
12 MR. CHURCHILL: I'll give you the
13 microphone.
14 MR. SEIL: -- since Deborah Meier
15 is here, one of the things -- and I do like the
16 study and the characteristics. I think we've done
17 some study that indicates maybe there's some
18 others.
19 But in any event, I want to ask a
20 different kind of question because the paradigm
21 that Deborah said in Central Park East was very
22 different from the paradigm of test scores and "No
23 Child Left Behind." It had to do with authentic
24 performance, portfolios, kids doing portfolios and
25 presentations, kids going out in the real world --

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and this is in high school -- going out in the
3 real world and doing apprenticeships, the
4 curriculum being somewhat interdisciplinary and
5 coherent, where science and math people work
6 together and social studies and English people
7 work together. And if I'm correct in this, I
8 believe that as a result of all of that,
9 97 percent of the kids graduated and went on to
10 college. And that --
11 MS. MEIER: Kids that are counted
12 in graduation.
13 MR. SEIL: I'm sorry?
14 MR. CHURCHILL: Depends on how you
15 count graduation, of course.
16 MR. SEIL: Well, all right, but
17 I'm assuming that's a pretty accurate statistic
18 that most of the kids who do that kind of work
19 they did got interested in school, motivated and
20 wanted -- and yet somehow that whole paradigm has
21 been lost. That's my depression. That that
22 paradigm of -- instead of that, you have, you
23 know, these standardized tests and one single
24 measure and the movement away from that kind of
25 learning.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So I'd like the panel to comment,
3 because I think the study is -- while it's good,
4 it focuses on the current paradigm, that the test
5 score paradigm of improvement as opposed to
6 changing the system to make it much more relevant
7 to kids and flexible and -- and working within a
8 system that's a 21st century system rather than a
9 19th century system.
10 MS. SEBRING: Hard question. I
11 agree that people have lost perspective on the
12 test scores. And, you know, we as researchers, we
13 know that there are these broader objectives that
14 we have for kids learning, yet the only thing we
15 have are these more narrow test scores. So I
16 think that it's really important for school
17 systems and everybody to have perspective on what
18 they represent.
19 And at the same time, we did a
20 study of authentic learning maybe ten years ago
21 and we actually collected student work, we
22 collected teachers's assignments, and we defined
23 learning and authentic learning in a much broader
24 way with the help of Fred Newman. And so I think,
25 in practice, we should be doing much more of that.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MR. CHURCHILL: And the studies
3 showed very positive results.
4 MS. SEBRING: Yes, and the study
5 actually didn't correlate with the test result --
6 test scores.
7 MR. CHURCHILL: But didn't you
8 actually look at different kinds of teaching and
9 why maybe not looking at different measures of
10 success, didn't you find that different styles of
11 teaching actually made a difference in how
12 children were doing?
13 MS. SEBRING: Yes, the -- you
14 know, these teachers who gave more challenging
15 assignments got more -- got higher level of
16 products from their students. So yes, it did make
17 a difference.
18 MS. MEIER: Is it called
19 Campbell's law? What you measure is what you --
20 becomes corrupted in the process of measuring it.
21 And that's a danger in any system you use,
22 including performance assessments.
23 There's 35 schools in New York
24 State that even when the shift in the paradigm
25 happened, because of some prior very clever

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 political maneuvers on the part of the previous
3 superintendent, Tom Sobol, managed to have held on
4 to their right to continue to graduate high school
5 students on the basis of performance assessment.
6 Now, part of the agreement was to
7 take a study group and you could study not just
8 the process itself, but what happened to those
9 kids and they would do controlled studies and so
10 forth. Of course, that never, ever happened.
11 They finally hired some
12 psychometricianist and one lawyer -- because, I
13 think, Mills thought they would be on his side --
14 to look at what we were doing in New York, and
15 they only had about three, four months to do it.
16 So you -- but they said, "It looks terrific and it
17 looks like the results are much better, even
18 considering control groups, so we recommend you
19 not eliminate -- you not get rid of it, that you
20 have these 35 state schools -- schools in the
21 State, we suggest you do what you originally said
22 you'd do, study them."
23 Answer: This is ten years later
24 and they haven't done a bit of that. And we're
25 satisfied if they could just hold on until

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 something happens in the world. But you are
3 right, it's an incredibly dangerous moment, I
4 think, for what we're looking for at schools.
5 MR. CHURCHILL: We have time to
6 take one more question.
7 MS. MEIER: Can I say one thing
8 about what you were saying? There are so many
9 examples of what could be done. It's particularly
10 painful for me because we got $50 million -- I
11 can't get over that -- $50 million from Annenberg
12 to do exactly that and a new chancellor came in
13 and a new superintendent and a state
14 superintendent came in and said no.
15 MR. JOSEPH: Torch, could you
16 answer that?
17 MR. CHURCHILL: Torch, do you want
18 to take a crack at that?
19 MR. LYTLE: No, I want to answer a
20 different question. Sorry.
21 I want to go back to markets just
22 for a second because I think one of the cautions
23 that everyone in the audience needs to be acutely
24 aware of is that the policies we are being asked
25 to abide by are driven by notions of competition

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and market choice, and I have yet to find capital
3 systems are wholly equitable in terms of how they
4 work.
5 I think Deborah makes the point
6 repeatedly, but the first purpose of public school
7 in the U.S. has been to help us understand how to
8 live together in a democratic society. And to the
9 degree that we are competing for admissions for
10 schools and competing for test scores, we are, in
11 a sense, defeating those purposes, so I worry a
12 great deal about where we are headed. I feel that
13 the kind of schooling that is being afforded to
14 the least advantaged kids continues to decline in
15 quality, not increase, and we need extreme caution
16 not to be seduced by a whole lot of the hoola
17 that's going on currently.
18 MR. CHURCHILL: Okay. Let's have
19 some applause for the panel.
20 (Applause.)
21 MR. CHURCHILL: I understand that
22 during the break you will be able to actually
23 purchase copies of the book out in the foyer, and
24 our panels are here and I'm sure will be delighted
25 to talk to you during the break if you don't

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 surround them too deep.
3 MR. JOSEPH: We have gone into the
4 break and we're only going to go into the next one
5 by a minute or two. So please take your break
6 quickly.
7 - - -
8 (Whereupon, a recess was had
9 between 11:22 to 11:37 a.m.)
10 - - -
11 MR. JOSEPH: One of the things
12 that I have to tell you, and I'm disappointed that
13 we have failed already, is that sticking to the
14 schedule has a real reason for it. And one of the
15 reasons is the best part of these symposiums often
16 are the breaks. That's where people get to talk
17 to each other and they get to generate ideas and
18 synergize what is happening. So now you know why
19 I'm going to be, again, a stickler and we are
20 going to try to end this session on time, even
21 though Sonya knows that I'm a troublemaker and
22 she's not going to be happy.
23 But with that, I introduce you to
24 our wonderful staff member, who's going to
25 introduce the panel and lead this panel. Sonya

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Kerr, thank you so much.
3 (Applause.)
4 MS. KERR: Thanks, Don. Well, we
5 people who deal with education and often go to
6 school meetings understand time constraints
7 because we're always under them. So we'll
8 probably try and adapt here and get through in our
9 time frame.
10 It's great to be here and we have
11 a very exciting panel for our next topic, which
12 is, "Has 'special education' lost its way?" Our
13 three panelists are: Martin Ellis, Umar
14 Abdullah-Johnson, and Dr. Theresa Perry. I am
15 going to briefly introduce each of them and then
16 ask them to just give you a synopsis of where
17 they're coming from on this topic, and then we
18 will have a bit of a discussion by Martin about
19 the current state of inclusion of children with
20 disabilities in Pennsylvania, and we will then
21 segue into questions and discussion about
22 appropriate education -- appropriate use of
23 special education, and the inappropriate use of
24 special education and disproportionality of
25 African-American students in special education.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So Martin Ellis is a long-time
3 parent advocate in special education in
4 Pennsylvania. He is also the parent of a child
5 with a disability, and he had the distinction of
6 serving as the chair of the Bureau of Directors
7 Advisory Panel for the Gaskin case on this
8 restrictive environment.
9 Martin, would you like to say
10 hello, briefly?
11 MR. ELLIS: I began in this field
12 a long time ago as a psychologist and family
13 therapist. I moved into training and evaluation
14 and now I'm a special education advocate.
15 MS. KERR: Thank you.
16 Next is Dr. Theresa Perry, and
17 Dr. Perry is a professor of African Studies and
18 Education at Simmons College. She has been
19 instrumental in many research projects on the
20 education of African-American students. She was
21 coauthor of Young, Gifted and Black, and other
22 numerous studies in this area. Dr. Perry?
23 DR. PERRY: Good morning. I'm
24 primarily interested in how we normalize high
25 achievement for African-American students. And

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I'm also interested in how we build one movement
3 between black parents in suburban communities and
4 in urban communities to combat the multiple ways
5 that black students, whether they are middle or
6 upper class or poor, experience separate and
7 unequal education in the context of color blind
8 racism.
9 MS. KERR: And our final panel
10 member is Umar Abdullah-Johnson, who is a
11 nationally certified school psychologist. He
12 works in the Philadelphia area with many students,
13 and I'm sure he will introduce himself at this
14 time.
15 MR. JOHNSON: I'm an evaluator. I
16 specialize in differential values of students with
17 learning disabilities, emotional disturbances, and
18 mental retardation, particularly African-American
19 males, and the focus of my work is upon coming up
20 with a stronger definition of what a learning
21 disability is as opposed to those that are
22 currently used now. And, basically, my premise is
23 that the reason why we see so many students of
24 color, especially African American and Hispanic
25 kids, put in special ed is because of the socially

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 constructed nature of what a learning disability,
3 mental retardation and emotional disturbance is.
4 MS. KERR: Thank you.
5 I would be remiss if we didn't try
6 to explain why we're talking about both special
7 education and, in essence, the education of
8 students who are African American in the same
9 panel. The reason is because, as most of you
10 know, when special education began, and it began
11 in Pennsylvania many years ago, one of the models
12 we looked to was Brown v. Board of Education and
13 the need for equal education, the need for fair
14 education for everybody regardless of what their
15 differences might be.
16 And here we are, in 2010, and we
17 know, based on study after study, national
18 studies, state studies, that students who have
19 differences as a result of disabilities are not
20 fully included in their educational student
21 environments and we know that students who are
22 African American continue to lag behind in
23 academic achievement skills.
24 So what we're asking today is,
25 What's going on and has special education lost its

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 way? We're going to start with Martin describing
3 what we are as far as students with disabilities
4 and inclusion. Martin?
5 MR. ELLIS: Thank you very much.
6 If you could put the first slide up.
7 Has special education lost its
8 way? My first answer is no and yes. And as an
9 example of the no, special education has not lost
10 its way, I'll show you this picture here of a
11 young lady with Down's syndrome. She is -- this
12 is a formal professional picture of her high
13 school prom that occurred this year in Spring
14 City. This young lady has been fully included
15 since preschool, has not known any segregated kind
16 of services at all, and this September, is
17 enrolled at West Chester University auditing a
18 Theater 101 class and has an internship lined up
19 as a theater intern as part of her transition
20 plan.
21 This is a really typical high
22 school prom. You can see the gown, the
23 limousines, the DJ, the deserts. I'm sorry.
24 She's with her high school friends and students.
25 It occurred between the hours of 8:00 p.m. and

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 1:00 a.m. on, I think it was, a Friday night or a
3 Saturday night. I'm not sure which one it was.
4 And she had a ball. Okay.
5 This same young girl -- we have
6 slide two -- the same young girl, had she been
7 born, say, two generations ago, could have ended
8 up here, actually. The school she went to is also
9 in Spring City, the same place that Pennhurst is.
10 She could be here. And I think that Pennhurst is
11 called a school. I'm not sure it was really that
12 much of a school. If they had a prom at all, it
13 would have been kind of a fake prom. It wouldn't
14 have been an inclusive prom because it would have
15 been on the grounds of Pennhurst, and it would be
16 just the other residents of Pennhurst. It would
17 probably not have been on a Saturday night. It
18 probably would have been sometime during the day
19 because that would be when staff would be most
20 likely to want to do that sort of thing and it
21 would be very inconvenient to have it, you know,
22 at 8 o'clock to 1:00 a.m.
23 So I include this slide to say our
24 vision has not been lost. If you compare slide
25 one with this, we have really come a long way.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 When you think that that same young lady could
3 have been right here two generations ago, you can
4 see how far we've come.
5 However, there is a part two.
6 Here we have a picture from last year of a special
7 education prom. What is a special education prom?
8 It's a separate prom. At this prom, you don't go
9 with your classmates; you go with your prom buddy,
10 which is how they justify inclusion. It's not
11 your regular classmates. If there was any regular
12 students there, they called it a prom buddy.
13 When did this occur? This
14 occurred on 10:00 a.m. on a Friday morning. Who
15 would go to a prom, a high school prom, at
16 10:00 a.m. on a Friday morning? Who was there?
17 150 special education students from all over
18 Cumberland County. So it wasn't one school; it
19 was a whole bunch of schools. I guess they
20 decided, okay, well, you know, we better have a
21 prom. These guys are not included, so they're not
22 going to a regular education prom, but we'll set
23 up a special education prom.
24 And you can see the reason for the
25 headline. It should have read, "Dancing the Night

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Away," but the reporter obviously realized that
3 was not going to work here, so it's, "Dancing the
4 Day Away." And who's here? Parents, teachers,
5 aides and buddies, and they all look like they're
6 joining in.
7 If you go to the first slide, at
8 the regular prom, parents and teachers were way
9 over in the corner. They were not dancing with
10 the students.
11 Okay. So I'm looking at these
12 pictures and I'm thinking, gee, isn't this closer
13 to Pennhurst than the first slide? You know, it's
14 an atypical time of day, it's totally -- it's
15 noninclusive. It shows me that there's a lot of
16 Pennhurst in this slide. So where have we come?
17 How is it that we could have the first slide for a
18 young lady, and this slide? Both live in
19 Pennsylvania, both within a year of each other,
20 both high school proms, and I think that really
21 does summarize where we are in special education
22 inclusion in this state at this time. I would say
23 the majority of special ed experience for students
24 with disabilities is more this slide than the
25 first slide.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Well, for the past five years,
3 we've been battling with this Bureau of Special
4 Education to increase school inclusion in
5 Pennsylvania to move from this slide to the first
6 slide. And when we started five years ago,
7 Pennsylvania was 48th in the nation and we are now
8 43rd in the nation. So we've made some
9 improvements, but we're still way down there on
10 the bottom, which is not at all what we wanted.
11 An earlier presenter mentioned the
12 -- used the cake analogy, baking a cake. I could
13 use the same analogy as the chair of the panel
14 did, but when we started the panel, we were
15 expecting an oven like a commercial Vulcan, you
16 know, with 3500 BTU's, you know, it's something
17 you can really cook with; and, instead, we were
18 given an Easy-Bake Oven, something that was
19 totally not what we were expecting or wanted or
20 could even do the job.
21 So you have in your packet some
22 statistics from the five years of the settlement
23 agreement.
24 MS. KERR: Start at Page 106.
25 MR. MARTIN: But I'm also

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 projecting it onto the -- on the screen here.
3 This is the chart the Pennsylvania
4 Department of Education brings out whenever you
5 talk about LRE. The reason is because it looks
6 like LRE has increased over the five years of the
7 settlement. But --
8 MS. KERR: Excuse me, Martin. For
9 those in the audience, it's on Page 112.
10 MR. MARTIN: If I tell you that
11 this statistic here is made up of 50 percent of
12 one group, and that one group really did improve
13 and that group was specific learning disabilities,
14 you'll see that this graph is really misleading.
15 But what isn't misleading is this
16 one here. This is the percentage of students in
17 other cities, not the neighborhood school. These
18 are approved private schools. That -- the kind of
19 the epitome of noninclusion is -- are the
20 settings. That changed not one little bit in the
21 five years of the settlement agreement.
22 And if you go to the next page,
23 you will see the LRE statistics for students with
24 autism. And this is the kind of benchmark -- the
25 triangulars here included 80 percent of, which has

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 become kind of the gold standard in terms of
3 measuring or having benchmark inclusion. You'll
4 see the students with autism are improved, but if
5 you play the graph out, in order to get up to
6 80 percent of students, 80 percent included, it's
7 going to take another 14 years to get to that
8 benchmark.
9 Next one is, we look at students
10 with emotional disturbance, I think is the term
11 that's used. They've also increased a little bit.
12 But it will take another 12 years in order to get
13 to the benchmark of 80 percent.
14 And here's the -- kind of the
15 worst news: Other disability categories really
16 got no better or even worse. Actually, if you
17 have deaf/blindness, you were better off before
18 Gaskin than after Gaskin.
19 If you flip to the two pages here,
20 you'll get to students with mental retardation.
21 The next one. This is what we're looking for.
22 This is where the young lady on slide one would
23 be. Went from less than ten percent to 15 percent
24 over the five years. However, look at this one.
25 This is other settings. That's increasing. And

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 if you take out -- if you draw the graph out, how
3 long would it take for students with mental
4 retardation to get up to 80 percent goal is
5 84 years. At the current rate of change in
6 Pennsylvania it's another 84 years.
7 Okay. Multiple disabilities is
8 the next one. Here, we have the graph down here.
9 You're never going to reach 80 percent here. If
10 you have multiple disabilities in Pennsylvania,
11 that flat line.
12 So the picture that the Department
13 of Education would like to present to us is, oh,
14 yes, we fully support Gaskin. Oh, yes, we fully
15 support full inclusion. The facts, however, show
16 that, at least over the last five years, that has
17 not panned out.
18 Okay. If we go back to my first
19 PowerPoint, I can tell you why. Why has this
20 happened? Why do we not expect to see the
21 improvement that we all wished for? And one of
22 the clearest reasons was a lack of leadership.
23 Five years ago, when the
24 settlement was signed, we were all expecting to
25 use another analogy, a basketball analogy. We all

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 wanted LeBron James to come out on the basketball
3 field, and what we got was a person who didn't
4 even want to suit up. And lack of leadership is a
5 killer. One sure way of deep-sixing something is
6 to put the wrong person in charge or no person in
7 charge. And we had a battle with leadership the
8 entire five years.
9 The second reason is that
10 inclusion is not seen as a civil rights issue.
11 It's still, in Pennsylvania and other places, seen
12 as an education issue. And if it's seen as an
13 education issue, teachers are the experts. If
14 it's seen as a civil rights issue, we are all
15 interested and experts and you kind of claim -- no
16 one group can claim the monopoly on civil rights.
17 But until school inclusion is seen as a civil
18 rights issue, I don't think we're going to get too
19 far.
20 And the third reason is that
21 people do not see segregation as abuse. It's a
22 form of abuse when you have children with low
23 expectations, when you stigmatize children, when
24 you take them out of the typical world and you
25 build simulated environments, when you take away

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 their opportunities in life, that's abuse, in my
3 book. That's child abuse. That's education
4 abuse. But it's not seen like that in the State.
5 It's seen as, well, acceptable. It's seen as
6 acceptable.
7 And finally, I think one of the
8 reasons for this is there's a lack of
9 identification for students with disabilities. If
10 I went into a typical classroom and asked the
11 teacher, "Can you give a list of the five best
12 students" -- students that come on time, hand
13 their homework in, get good grades, act as good
14 role models, are in tune to classes -- and I say
15 to that, to the teacher, "Okay, I've taken those
16 five, they're coming to my classroom," the
17 teacher's going to kind of look at me, "Why are
18 you taking those students from my classroom?"
19 But I wonder what the reaction
20 would be if I said, "Well, who are the students
21 here with IEP's? Can I take them for my class?"
22 I bet you the majority of responses would be,
23 "Okay." Not "my goodness, who do you think you
24 are? What are you doing? They're a part of my
25 class. They belong here."

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I think my ten minutes is up. We
3 have a long way to go.
4 MS. KERR: Thank you.
5 (Applause.)
6 MS. KERR: Thank you, Martin.
7 Okay. Thank you, Martin. I think we understand
8 where we are in terms of forms of segregation
9 involving students with disabilities.
10 I wanted to ask Umar to speak a
11 little bit, if he would, about students who are
12 African American and why -- what seems to be
13 happening with respect to identification of
14 students who are African American and whether
15 they're being accurately or inaccurately
16 identified for special education and segregated as
17 a result.
18 MR. JOHNSON: I think the only
19 problem that's probably bigger than inclusion is
20 inaccurate identification. And, unfortunately,
21 too many African-American and Hispanic students
22 are being inaccurately identified with
23 disabilities that they do not have. They're being
24 diagnosed as having learning disabilities, in
25 particular.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Mental retardation is also the big
3 issue, particularly in Pennsylvania where
4 African-American males are four times as likely to
5 be referred for mental retardation evaluations,
6 but four times less likely to be referred for
7 gifted evaluation.
8 Emotional disturbance has become
9 almost exclusively a black issue, particularly
10 with African-American males. And I think the
11 reason why this is done is because enough
12 attention is not being paid to the relationship
13 between an inadequate regular education and
14 special education. You can't fix special
15 education until you fix regular education.
16 For example, in Pennsylvania,
17 57 percent of the fourth grade African-American
18 males cannot read on their grade level.
19 57 percent of the fourth grade black boys in the
20 State can't read on grade level. So do we assume
21 that all 57 percent of those boys have a learning
22 disability? Many schools will because,
23 ultimately, you have two decisions you can make.
24 One decision: Say he's got a disability, put him
25 in special ed. Okay? It becomes a scapegoat.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 You put the kids in special ed who you don't want
3 to help.
4 The other thing you can do is help
5 them and get them up to where they need to be.
6 That takes work. That takes effort. With special
7 ed, you get money. Keeping them in regular ed and
8 helping them because you know they haven't
9 received an adequate education, you're not going
10 to get extra funding for that. That's going to be
11 done with the child. So you have to look at how
12 special ed is being used, okay, to get rid of the
13 children who no one really wants to help.
14 A learning disability, just like
15 mental retardation and emotional disturbances, are
16 socially constructed. They're not organic.
17 Blindness, deafness, traumatic brain injury, those
18 are organic. You don't have to be an expert to
19 tell that a child can't see. But when you say a
20 child has a learning disability, you're making an
21 assumption that they can't learn, and a lot of
22 times we make that assumption based on the
23 scantiest of evidence, and looking at the ability
24 achievement scores has gotten us in a whole lot of
25 trouble because there's a million-and-one reasons

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 why a child is not where they are: Frequent
3 suspension, inadequate education, high teacher
4 turnover, poor education.
5 For example, in Philadelphia, only
6 29 percent of the black males were able to get a
7 high school diploma. That's the worst graduation
8 rate in the country, tied with New York City. So,
9 again, you have to look at regular education and
10 how it actually feeds the over identification of
11 special ed students as an excuse for why they're
12 not learning.
13 MS. KERR: Thank you, Umar.
14 I wanted just to mention for the
15 audience, in case you didn't see it in the packet,
16 in Session 3, Page 146, is a summary article
17 explaining the concerns and the extensive research
18 that's been done on over identification of
19 students of color into special education.
20 Dr. Perry, I want to give you an
21 opportunity to come and address.
22 DR. PERRY: First, I want to
23 comment that I think it's curious that the
24 report -- was that the State report you
25 referenced?

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MS. KERR: (Nods head.)
3 DR. PERRY: -- did not segregate
4 data. So we don't know what the progress is in
5 inclusion by the data you presented for black
6 kids.
7 UNIDENTIFIED SPEAKER:
8 (Inaudible.)
9 DR. PERRY: Yes, but it's not in
10 the report. Yes. And so, that's the first thing
11 I wanted to make note of.
12 The second thing is, could you
13 have put up an image of a black kid with autism
14 who was -- had had as much progress as the -- in
15 terms of the white kid with autism? Because we
16 know just as black kids are over identified as
17 learning disabled, emotional difficulties and
18 mental retardation, they're under identified with
19 things like autism, dyslexia and other issues.
20 So I guess the first point I want
21 to make is that, at every point, we have to insist
22 on having data that shows what's happening to
23 black and Latino kids as opposed to what's
24 happening to white kids in special education.
25 The second thing I want to say is

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that the real issue continues to be the various
3 ways we figure out how we offer separate and
4 unequal education. And I want to challenge people
5 to look beyond urban districts, to look at your
6 suburban and affluent communities, and also to get
7 rid of the notion that is simply poor African
8 American kids who are being separated and given
9 unequal education.
10 And I'm just going to give you
11 some anecdotes. About four years ago, a black
12 psychiatrist was doing her work in the Boston
13 area, and she happened to be sent to this very
14 elite and affluent school district to work with a
15 group of three black boys in special education.
16 And she was stunned when she went to their class
17 and they were in the basement of the school
18 building, a room with no windows, and the class
19 was almost exclusively black and brown boys. And
20 she was renting from a neighbor, who was a very
21 progressive community activist, and when she told
22 her about this class, and they said, "That
23 couldn't be, this is so-and-so town."
24 The next thing I want to tell you
25 is just last year, in another high income suburban

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 town, a couple -- and the male in the couple
3 happened to be a law professor, a black law
4 professor -- and in November, they figured out
5 that their five-year-old kid had been placed in
6 special ed. And the school district was -- wasn't
7 chastened by the fact that he was a lawyer or that
8 he was upper income or that they hadn't gotten
9 permission to put the kid in special education.
10 Last semester, I was teaching a
11 course at Simmons for school leaders called Race,
12 Culture, Identity and Achievement, a seminar
13 series, and two of the black women who were on the
14 staff, had very high level positions at a suburban
15 district, they told the class of how their kids
16 had been pulled out -- and one of the black woman
17 was third generation college, her grandmother had
18 a Ph.D. -- about how their kids had been pulled
19 out and put in small reading and math classes, and
20 they began to query, "Who were the people in their
21 classes?" And they were all black kids.
22 This last incident happened just
23 maybe a month ago. I was -- met a colleague of
24 mine, and her daughter has been a great advocate
25 for special ed kids, and now she's in a suburban

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 elite district, director of special education, and
3 she told me that 50 percent of the kids in --
4 50 percent of the black kids in the suburban
5 district are in special education.
6 So we tend to focus on what's
7 happening to black kids and we kind of ignore
8 what's happening in urban districts. But I think
9 that suburban districts and urban districts have
10 figured out very sophisticated ways to normalize
11 the delivery of separate and unequal education to
12 black kids.
13 I noted that in Penny's report, I
14 would have liked to have seen what kind of
15 education and who the kids were in those magnet
16 and exam schools that we didn't look at. In my
17 town in Boston, two years ago, myself and John
18 Diamond, we worked at a small pilot school, and
19 they didn't have a -- they didn't have a library.
20 The elementary school did, the high school did.
21 They didn't have a library. They didn't have a
22 gym. You know, they didn't have science labs.
23 And there's no discourse. The discourse, I think,
24 over the last 10 or 15 years has been choice
25 rather than equal education opportunity and not

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 about the multiple ways that -- my students came
3 to visit this school, but at the same time, we
4 went to a program at the Laddin School in Boston,
5 and they walked in and they said, "Is this a
6 public school?" Because they had been to the
7 other school.
8 So here's my thing: I think that
9 we have to begin to make -- have black parents
10 from the City and the suburbs have one
11 conversation, and we have to begin to demand that
12 people provide information on the percentage of
13 black kids that are educated in both separate and
14 unequal sites in urban and suburban communities,
15 because it's only if we make that information
16 public that black parents from -- because I think
17 many black parents now realize that in these
18 suburban systems, the education that their kids
19 are getting is no different than if they had
20 remained in urban communities.
21 So I think that the task is to
22 begin to create the context where people have the
23 data so they can organize and also to begin to, as
24 policymakers, to routinely make that data
25 available in terms of the kind of curriculums

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 available in the other schools, the kind of
3 resources that are available, but more
4 importantly, the way segregation occurs, the
5 way -- not only special education issues as a tool
6 for segregation, but all kind of programs are used
7 to segregate black kids, probably done in the most
8 sophisticated way in suburban districts. Thank
9 you.
10 (Applause.)
11 MS. KERR: Thank you, Dr. Perry.
12 I want to pose some questions to
13 the panel and give each of you an opportunity to
14 jump in on them.
15 First question is: What are the
16 barriers or the conditions we need to improve so
17 that whether a child is a child with a disability
18 and is being wrongfully segregated or the student
19 is African American and is being segregated by the
20 use of special education, what kinds of
21 conditions -- what would change this? How would
22 you change this?
23 Umar, do you have a comment on
24 what we could do?
25 MR. JOHNSON: Well, firstly, it's

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 hard to improve education when the teachers are
3 not accountable to the community where the
4 students live. Most children, particularly
5 African American children, the teachers do not
6 come from their community; they come from outside.
7 And they are not stakeholders in the child's
8 success. And by virtue of that, you either have
9 to make them accountable or you're going to have
10 to improve or increase the number of teachers who
11 are coming directly from that community.
12 When you look specifically at
13 African-American males who are the hardest hit in
14 private education, private education, charter
15 school education, you find that there's almost no
16 African American male teachers. So one of the
17 things you have to do is you have to increase the
18 number of teachers who look like the students
19 they're serving. And a lot of times we ignore
20 that argument, but the research is clear that
21 teachers pay the most attention to students in the
22 classroom who look like their own children. So if
23 you want African-American males to be successful,
24 then they have to be taught by African American
25 males.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 You also have to look at the
3 historical intent of public education, which was
4 never particularly designed to teach black
5 children in the first place, and so most of the
6 schools where our children dominate, although they
7 are the majority, the system under which they're
8 learning is not really conducive to what they
9 need.
10 And so I think you have to look at
11 teacher accountability. I think you have to look
12 at restructuring public education so it works.
13 And I think, lastly, the definitions of success
14 and the definitions that we're using for special
15 education also have to be modified.
16 MS. KERR: Dr. Perry, would you
17 address the same question, and particularly, would
18 you focus on how -- what people can do, what
19 schools can do to address high achievement for
20 African-American students?
21 DR. PERRY: Well, before I get to
22 that, I just -- I mean, I think that many of you
23 saw the CNN study whereon -- where they tried to
24 replicate the doll study? How many of you saw
25 that? Do you remember that the highest -- the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 question -- this is with the four-year-olds -- the
3 question that indicated the strongest white bias
4 was a question where the researcher asked them,
5 with kids of all different hues -- these are
6 four-year-olds -- show me -- "Point to the dumb
7 kid." And over 78 percent of white kids pointed
8 to the black kid. And I think the thing that
9 Margaret Beale Spencer noted was that white skin
10 bias did not change significantly as the kids grew
11 older because they tested two different groups of
12 kids.
13 I think one of the things that --
14 by and large, many people still think that African
15 Americans are intellectually inferior. And I
16 think it's evident by the fact that the children
17 so easily pointed to, without hesitation, to the
18 black kid as the dumb child. And they so easily
19 pointed to the black kid as the child the teachers
20 and adults don't like.
21 So I think that -- I think we
22 really have to challenge teacher's notion,
23 educator's notion of intelligence, of what is
24 intelligence. I think Lauren Resnick's work that
25 the malleability of intelligence and intelligence

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 is a muscle that only -- that develops by work.
3 And we simultaneously have to challenge the notion
4 and make teachers aware of the notion of the -- of
5 their acting out idea that black African American
6 kids are intellectually inferior.
7 But I think that the panel and
8 myself, we've been looking at environments that
9 normalize high achievement for African American
10 kids, and I won't go through all of it, but I do
11 say what we think is necessary and sufficient is
12 that the environments are organized such that
13 everything about them is based on the belief that
14 you can be an achiever, that once you work, once
15 you walk in those institutions, that they're
16 organized around the belief that if you're in this
17 institution, everybody can be an achiever, that
18 everybody can be a full member and can be an
19 achiever. So when a kid steps in there, they know
20 this. It's not organized around the belief that a
21 few kids are and some kids are not. And those
22 institutions systematically hand over to kids the
23 beliefs and behaviors that are necessary in order
24 to be an achiever: Persistence, thoroughness,
25 commitment to doing one's very best, and hard

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 work.
3 Now, there's some things that are
4 necessary, but not sufficient, but these schools,
5 irregardless of pedagogical process, irregardless
6 of who the teachers are -- and what it means is
7 that those institutions systematically push back
8 at the document narrative that African American
9 kids are underachievers because they are able to
10 help kids define themselves as achievers and that
11 kid -- and to think about it, identities are the
12 stories we tell ourselves in the world about who
13 we are and our attempt to live in accordance with
14 those stories. And identities are one's
15 standpoints that make a modicum of self direction
16 possible. So they hand over to kids the capacity
17 to achieve and they change how kids see
18 themselves.
19 (Applause.)
20 MS. KERR: Martin, speak up.
21 MR. ELLIS: I think the question
22 was what would drive change?
23 MS. KERR: Yes.
24 MR. ELLIS: I think in school
25 inclusion, it's very clear that parents drive

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 change in the school districts. It's still way
3 too common for parents to know more than the
4 teachers at an IEP meeting about differentiating
5 instruction, about the standard school year, all
6 the -- LRE, all the usual things that we would
7 think teachers would know that still don't. So in
8 Pennsylvania, if we ever go to a tipping point
9 with parents who really were a critical mass, then
10 there would be some -- a lot of systemic changes.
11 MS. KERR: Thank you. We are
12 sitting with like eight minutes left. So I do
13 want to give some -- well, 20 --
14 UNIDENTIFIED SPEAKER: 18.
15 MS. KERRY: Okay. Good. We're
16 good. (Inaudible.) So I will bring up two other
17 important issues that I thought we weren't going
18 to get to.
19 One of the things that people who
20 deal with education a lot hear about consistently
21 is funding. It's all a problem of funding. We
22 can't have kids included if they have significant
23 disabilities; we're not testing correctly because
24 we don't have the funding; we're not providing,
25 you know, enough instruction to the kids who are

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 African American because of funding.
3 And I'd like the panelists to
4 address the issue of funding in terms of how we're
5 educating or not educating students who are
6 African Americans, students with disabilities.
7 MR. JOHNSON: Well, with special
8 ed funding, the biggest problem in Pennsylvania is
9 the oversight. How it's spent. School districts
10 can spend special ed money on anything they want,
11 including new uniforms for the football team, new
12 computers for the staff. And I see heads moving
13 around, so y'all know exactly what I'm talking
14 about. And I think until there's more oversight
15 from the State and federal government in terms of
16 how special ed money is spent, it's never going to
17 benefit the children it's designed for in the
18 first place; so that's number one.
19 Number two, I do not believe that
20 a lack of funding is the principal cause of
21 educational failure, essentially not for African
22 American children. If you go back into history,
23 reconstruction, post slavery civil rights, black
24 people had no problem educating their own children
25 with so-called inferior books, inferior teachers,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 inferior schools and they did an excellent job of
3 doing it; so it's not the money.
4 Plus, also, the research shows
5 that most money that comes into schools is spent
6 on personnel. It's not spent on other resources.
7 So you bring in a couple million more dollars to
8 Philadelphia or any other school district, they're
9 just going to hire more people who they assume can
10 make a difference. The money does not go to the
11 classroom.
12 So number one, there has to be
13 greater accountability of spending. There has to
14 be an increase on using money -- an emphasis on
15 using money for resources other than hiring more
16 staff. And I think in terms of special ed, the
17 greater part of that money that comes with that
18 child needs to be spent on that child and not for
19 some other nonrelated school function.
20 MS. KERR: Thank you. Martin?
21 MR. ELLIS: I ditto everything in
22 terms of students with disabilities.
23 MS. KERR: Okay.
24 MR. ELLIS: Money is not the
25 problem.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MS. KERR: Okay. Great.
3 DR. PERRY: Sonya, I think money
4 matters. I mean, I don't think money necessarily
5 guarantees that you're going to have equal
6 educational opportunity, but certainly -- you
7 know, I've been studying a teacher who,
8 unfortunately, just left the City to go teach in
9 the suburbs who is just a fantastic teacher and,
10 in her class, she had 700 books. A high school
11 teacher. The school didn't buy those books. She
12 bought the books. And they were titles that she
13 knew that would motivate predominately black kids
14 to want to read. And as one of the students in
15 her class was going to the next class, she said,
16 "I looked in the class and the teacher had
17 notebooks and I was wondering if I was going to
18 lose my desire to read since I didn't have books
19 all around."
20 So money/resources matter. Books
21 matter. The presence of computers. Another
22 school where kids were writing their papers on
23 their Sidekicks -- you know, you guys know the
24 little phone with the Sidekicks -- because they
25 didn't have enough computers in the school to sit

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and write their papers.
3 I think the fact that you don't
4 have a library in a school is significant. I
5 think that you could have these things and -- and
6 just several miles away, that you could have
7 Newton North open a $200 million school. That's
8 significant.
9 So I think that -- I think one of
10 the interesting things, some of my friends have
11 said that Obama is running the Department of
12 Education like it's a foundation rather than
13 writing education policy. You know, what if we
14 could get money that would define what is required
15 for a school building to operate, what labs should
16 be like, what the computer equipment should be
17 like? So, what if we can really define what's
18 necessary, the resources that are necessary -- not
19 sufficient -- for us to begin to pursue quality
20 education? And I think that, by and large,
21 everything that's going on in education is a
22 distraction from the fact that we have such gross
23 inequalities within districts and between
24 districts.
25 (Applause.)

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MS. KERR: Okay. Thank you,
3 Dr. Perry.
4 Another concern with respect to
5 students with disabilities and African-American
6 students is the question of whether -- and I'm not
7 sure exactly if we have statistics, per se, on
8 this, but I'm wondering, particularly Umar and
9 Dr. Perry, with respect to African Americans, and
10 also Martin, with respect to students with
11 disabilities, is Pennsylvania, you know, doing a
12 worse job in terms of segregating kids than other
13 states?
14 I know you gave the one statistic,
15 Martin, but I'd like you to elaborate in terms of,
16 overall, are Philadelphia schools, Pennsylvania
17 schools just more segregated in terms of anybody?
18 I mean, are we just parceling out, people have to
19 go here or there because of some characteristic?
20 MR. JOHNSON: Pennsylvania and
21 Texas lead America in terms of educational
22 disparity by virtue of outcome. The black/white
23 test gap in Pennsylvania and Texas was greater at
24 nearly every grade level than any other state in
25 the country. I think that Pennsylvania is doing a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 slightly worse job than other states. But no one
3 is doing a good job. Only one out of every four
4 black boys will get a diploma in America. Only
5 three out of every black baby who's born will
6 every see the inside of a college. That's
7 nationwide. But it does get worse in certain
8 places.
9 In Texas and Pennsylvania, for
10 whatever reason, they tend to lead the country in
11 terms of perpetuating that black/white achievement
12 gap, which mirrors the prison gap as well. Most
13 of the U.S. federal prisons in the northeast
14 corridor of this country are located in the State
15 of Pennsylvania. And, of course, states control
16 education and they control prisons and they spent
17 more money on prisons than education, so it's kind
18 of clear where the focus is.
19 So Pennsylvania is definitely
20 behind or should I say in front of everyone else
21 in terms of racial disparity and achievement gaps.
22 MS. KERR: Martin, did you want to
23 make a comment?
24 MR. ELLIS: I just want to
25 reiterate the previous comment. I don't have the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 actual statistics of race and disability together.
3 But I copy that in that, overall, we're 43rd in
4 the nation, so...
5 MS. KERR: Okay. We've heard this
6 morning, we've heard some great speakers about the
7 essential components to create good schools, and
8 I'd like the panel to address, you know, if we
9 know how to teach kids and we know what's possible
10 in terms of instruction, how much of the
11 difficulties in terms of meeting the needs of
12 students with disabilities, students who are
13 African American or Latino, how much of the
14 difficulties are a function of trying to have sort
15 of one-size-fits-all requirements within a school
16 or even within a system.
17 All charter schools do this or
18 that, you know, people pick particular emphases
19 for charter schools, people have particular
20 curriculum that has to be used district-wide. Is
21 that why we're not making progress? Or if we have
22 the knowledge -- it sounds like we have the
23 knowledge as to why -- or how to educate kids, but
24 we're not getting where we need to be.
25 MR. JOHNSON: It's the personnel.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 It doesn't matter what curriculum you have. It
3 doesn't matter how much money the school district
4 has. There must be intent on the part of the
5 leadership within that district and the teachers
6 that they hire to teach the students that are in
7 front of them.
8 And I think one of the biggest
9 problems in education is that when someone looks
10 to get hired, a teacher or a principal or anyone
11 else, the first question is, "Are you certified?"
12 Which is important. You want them to be
13 competent. But there's never a question as it
14 relates to whether or not you're in this job for
15 the right reasons. And a lot of people are not in
16 the job for the right reasons. A lot of people
17 don't know anything about the children they're
18 teaching, nor do they care to.
19 But I think a bigger issue is
20 union control of district policy. And in
21 education, it's the only industry where a
22 principal, as the manager, really doesn't have
23 control over their teacher base; and if they have
24 a teacher who's not teaching, it's almost
25 difficult to get rid of them, and most of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 times they'll just be transferred to another
3 school where they're going to do the same thing
4 they did in your school.
5 And, unfortunately, some teachers
6 have so much power that if a principal tries to
7 reprimand them, the principal can end up losing
8 their school, okay, because the teacher is
9 powerful, you know. And so you have to deal with
10 the power of the unions; it's excessive. I think
11 that teachers have to have a right to be
12 represented. I've seen teachers get mistreated,
13 but the power of the union shouldn't be so
14 overwhelming that they can actually stifle
15 educational progress.
16 I read the President Obama article
17 and I hear him say that we got to get rid of
18 teachers who are not good. And I totally agree.
19 But it's going to be difficult to do that because
20 educator unions have so much power, so much
21 political influence, they dominate elections a lot
22 of times. But until the teacher can be held
23 accountable for how well they learn and until we
24 stop blaming the child -- the problem with
25 education is we assume it's the child's fault that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 they're not learning. And that's why special ed
3 is growing, special ed rates are growing as
4 quickly as they are. No one ever says, well,
5 maybe we don't have a good instructor here, maybe
6 they don't have enough experience, maybe they
7 weren't properly trained at the teacher college.
8 Okay? We always assume the child, and we have to
9 start looking at the educator. If they cannot be
10 held accountable for their job, they're not going
11 to teach.
12 DR. PERRY: Well, I'm going to
13 disagree, because I think that I am very happy
14 that we have unions in Boston. I know
15 extraordinary teachers who are doing extraordinary
16 jobs. One person in particular recently,
17 Filipino-American woman, she was so good, that
18 when her principal had her talk to all the
19 principals in Boston about how she got her special
20 ed children to make three-year gains in a year,
21 the principal retired and a new principal came in.
22 Because she had assumed a leadership role in the
23 school because the other teachers would come to
24 her, they fired her. She had to only be in school
25 this fall one day to get tenure.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So all of us who work at school,
3 all the academics, say, "Where is Faye? Where is
4 she? Where is she?" The principal put out the
5 word on her and she ended up going to Brookline.
6 My point is that schools --
7 another school in Boston, it was a top school
8 until it changed, last year, its principal. The
9 lowest performing school, Orchard Garden, had six
10 principals in seven years and turned over
11 50 percent of their teachers every year.
12 So I do think that the piece of
13 the Chicago Consortium research about the
14 centrality of the leadership is important and
15 whether leadership is able to create a
16 collaborative teaching and learning community.
17 I'm not -- you know, so my
18 experience is that for us to disproportionately --
19 just like it has been wrong to say it's the
20 parents -- you know, we say, "If the corn don't
21 grow, Daddy, don't ask what's wrong with the
22 corn" -- you know, I say it's equally wrong to
23 focus on the most vulnerable part of the education
24 system, and I think that what's happening in the
25 larger discourse all over this country is that, at

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 least if other places are like Boston, teachers
3 are dispirited, and the better ones are the most
4 dispirited because the conversation is not how do
5 all of the stakeholders assume responsibility and
6 work collaboratively and be a social capital so
7 that schools -- so that kids can achieve.
8 I think the philanthropic
9 community is deeply implicated in the field
10 because they have put money primarily in the
11 expert community and not community building the
12 capacity of local communities to not only
13 advocate, but build capacity to hold districts and
14 schools accountable.
15 If you look at the history of
16 philanthropy in the early part of the 1990's, it
17 was focused on how many black communities build
18 capacity to not only educate their kids, but to
19 hold the powers-that-be accountable.
20 So I guess, Umar, it's not that I
21 don't know teachers who don't teach -- I know --
22 and the other thing, I think it's teacher
23 capacity, too, because if you look at districts
24 like Berkeley, California and Cambridge,
25 Massachusetts, they say they intend to teach and I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 know they intend to teach. Many of them don't
3 have the capacity to offer -- they don't know how
4 to offer high quality instruction to any kind
5 except a white middle class kid who comes to their
6 classroom.
7 MR. ELLIS: I would just add that
8 one of the problems is the usual community
9 activist problem, and that is vested interests and
10 the way things have always been done. I mean, the
11 cutting edge in special ed is moving so quickly,
12 I'm kind of embarrassed to put up grants that have
13 people labeled by their disability. That's so old
14 school. We shouldn't be thinking in terms of, oh,
15 this person has mental retardation, this person
16 has emotional disturbance. Really, it's what does
17 this student need to learn? And we need to have
18 whatever it takes for that particular student,
19 whatever their mix of abilities or characteristics
20 area. That's the cutting edge. That's what will
21 move us forward rather than sticking to the old --
22 you know, the old things.
23 MS. KERR: Okay. Very good. The
24 minute clock came up and I think we have a few
25 minutes for questions, if anyone has questions.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I'm going to give the microphone to Jeremy so he
3 can walk around with it.
4 UNIDENTIFIED SPEAKER: As far as
5 segregating students, isn't there something to be
6 said about focusing on special needs and having
7 the expertise, the special expertise, concentrated
8 to deal with special needs?
9 MR. ELLIS: Well, that is one of
10 the rationales that you get, people justify
11 segregation, but the correct response to that is,
12 you know, all the research shows that inclusive
13 environments are better for everyone than a
14 segregated setting.
15 UNIDENTIFIED SPEAKER: Well, two
16 examples that I have are in my own family where
17 dyslexia runs rampant. And my nephew and my
18 cousin's son, they went to special schools for
19 dyslexia and one graduated from Temple University,
20 computers -- in computers, and the other one
21 graduated from Boston university and he became a
22 line backer for Boston College based on having
23 attended special elementary and high school that
24 focused on dyslexia.
25 MS. KERR: So the question is

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 posed in terms of students attending special
3 private or approved schools for students with
4 dyslexia. Umar?
5 MR. JOHNSON: The reason why
6 inclusion is so important is because research
7 shows that a child with a disability will learn
8 better and more efficiently if they're given the
9 opportunity to learn with nondisabled peers.
10 There's a natural motivation that comes out of a
11 child when they're surrounded by other children
12 who can do a little bit better than they can.
13 Another reason why you need
14 inclusion is you have to make sure that the child
15 with the IEP is not falling so far behind that
16 they're beginning to lose too much footing with
17 their original class that they began the school
18 year with.
19 See, when you give a child an IEP,
20 you're reducing the educational expectation.
21 That's a major shift. Okay? If a child is in the
22 fourth grade and they're no longer on the fourth
23 grade curriculum because they have an IEP, okay,
24 then they're no longer expected to keep up. So if
25 they're no longer expected to keep up, how are you

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 going to make sure that the gap between them and
3 their peers doesn't get worse than what it started
4 out as when they first went into special ed?
5 And, unfortunately, one of the
6 problems with special ed, because the children are
7 segregated as often as they are, you may have been
8 two grade levels behind when you went into special
9 ed, but by the time you graduate, they're like six
10 grade levels behind. And even though a student
11 with a disability may still get a regular high
12 school diploma, that doesn't take away the fact
13 that when they get to college, they're not going
14 to make it through if they were not properly
15 educated. Sometimes we let them cheat because
16 they do graduate with a diploma, but then when it
17 comes to postsecondary education, they're not able
18 to keep up. And even though we spot them for
19 accommodations on a college level, there's no
20 IEP's in college.
21 DR. PERRY: I think we know that,
22 ideally, the desire is to include students. But
23 we also know, especially students with dyslexia,
24 often, in urban communities, in urban schools,
25 there's not enough expertise in the classroom to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 really teach them how to read. So -- and that's
3 the case in -- you know, I mean, they don't -- you
4 know, and so I think you're not alone. We have
5 some parents who would say, I'd rather my kid go
6 to the Carroll School in Boston, and I know
7 parents who have taken their kids out and kept
8 them there until they merge, like the second or
9 third grade, and then put them back in the
10 Boston -- the point is that inclusion works if you
11 have a teaching force that has a range of
12 capacities that know how to support the
13 achievement and development of all the children.
14 (Applause.)
15 MS. KERR: Okay. Another question
16 over here.
17 UNIDENTIFIED SPEAKER: I'll be
18 quick. I'd like to take advantage of food for
19 thoughts. There could be several people in a room
20 who are involved in school funding reform efforts
21 in Pennsylvania for basic subsidy and for special
22 education. Some progress on both fronts. It is
23 occasionally pointed out by policymakers and
24 others that there is an apparent contradiction or
25 conflict between arguing against segregated

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 services and for segregated monies, arguing for
3 inclusion, but also arguing for a special line
4 item for special education services. Could you
5 just speak to that issue?
6 MR. ELLIS: Yes. And I would say
7 wouldn't it be wonderful if all children were
8 considered the same and they got the funding they
9 needed in that school? But that's not where we
10 are now and this is part of the old ways of the
11 old system. Unfortunately, this is the system we
12 have to work with right now. It doesn't mean to
13 say that's the ideal. And, you know, wouldn't it
14 be great if like in ten years' time, we wouldn't
15 think in terms of regular ed and special ed? It's
16 all regular Ed, and it's all regular ed funding.
17 That would be great.
18 UNIDENTIFIED SPEAKER: Thank you,
19 I just wanted to make a couple comments as
20 somebody who was a teacher in the Philadelphia
21 School District for more years than I care to
22 remember and was a supporter of inclusion. And as
23 I still see it, there's two problems: One is a
24 lack of leadership, and the other does have to do
25 with resources.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And the lack of leadership, I
3 would note, I saw inclusion come without any
4 serious effort to engage classroom teachers in a
5 discussion about what that meant, give them the
6 tools and the training to do an effective job.
7 And secondly, the resources, I
8 mean, just to give a concrete example, my last
9 year of teaching, I had 33 students, eight of them
10 were special education students, six of whom I
11 felt I could effectively address their needs, but
12 two who I didn't want them out of my classroom,
13 but I wanted their needs addressed, and frankly, I
14 was incapable of doing so by myself without any
15 additional support. And I think that's a story
16 many other teachers can echo.
17 And I would, finally, just want to
18 include that I think training needs to include a
19 really serious anti-racist training that would
20 challenge stereotypes about African American
21 children and other children of color.
22 And one final point in terms of
23 the union question, I just point out that the
24 states that have the lowest student achievement
25 are the states with the weakest unions and vice

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 versa.
3 MS. KERR: All right. I think
4 we'll stop with that. And thank you. I think
5 you're still teaching. Thank you very much to all
6 our panelists.
7 MR. JOSEPH: Just a couple of
8 things before we break for a well-deserved lunch.
9 Number one is that if you are leaving now and not
10 staying, we would very much appreciate your
11 filling out the evaluation forms. And in Session
12 I, ironically, the person who presented the study
13 from Chicago that was to be the focus of the
14 entire session -- she's going to think it's
15 Session II -- Penny Sebring is not listed. So if
16 you would please add her to the form and then your
17 evaluations and turn them in when you leave, that
18 would be great.
19 The second thing is that some of
20 our speakers and related groups have books for
21 sale out in the gathering room where you started,
22 where you registered. Two of them -- in fact, one
23 of them was written by the Public Interest Law
24 Center, PILCOP, and a second one, A Quality
25 Education For Every Child; Stories From the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Lawyers on the Front Lines, is out there. And
3 also Penny Sebring's book that she talked about is
4 there, as well, for purchase.
5 Those people may not be there for
6 the entire lunch period, so if you're really
7 interested in buying the books, I suggest that you
8 go there first. But with that, we will break for
9 a half hour lunch, and thank you.
10 (Whereupon, a luncheon recess was
11 had from 12:48 p.m. to 1:17 p.m.)
12 MR. JOSEPH: I'm ready to turn the
13 program over to another of our staff members.
14 Adam is going to be introducing our speaker from
15 Brown University. And as a relative of many Brown
16 graduates, I'm positive that Dr. Simmons will be
17 spectacular. Adam?
18 MR. CUTLER: Thanks, Don. And
19 thanks, again, to everybody for being here today.
20 I'm Adam Cutler, on staff here at the law center,
21 and I manage our environmental practice. We do
22 have some intersections with the educational
23 world, which is -- and so it's always nice to be
24 here. You can ask those synergistically.
25 But I'm here today to introduce

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Dr. Warren Simmons. He is the director at the
3 Annenberg Institute for School Reform at Brown
4 University. Before joining the institute, he was
5 an executive director of the Philadelphia
6 Education Fund, so many of you may know him from
7 that experience --
8 (Applause.)
9 MR. CUTLER: -- where he supported
10 district-wide and was first to implement
11 standards-based reform. Dr. Simmons earned his
12 Ph.D. in psychology from Cornell, received his BA
13 from Macalester College in St. Paul, Minnesota,
14 and he's on the boards of several national and
15 local organizations, including the Merck
16 Institute, the Campaign for Educational Equity,
17 and College Crusade of Rhode Island.
18 Dr. Simmons recently received the
19 National Governors' Association Distinguished
20 Citizen award for his contribution to education
21 reform nationally and in Rhode Island, and
22 Dr. Simmons is here today to talk about the
23 federal involvement in this issue.
24 With that, we welcome Dr. Warren
25 Simmons.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 (Applause.)
3 MR. SIMMONS: Thank you. Thank
4 you. Are there any questions?
5 (Laughter.)
6 MR. SIMMONS: You know, I have
7 like 20 slides that I usually do. I was going to
8 show them. And then I said, no, you've seen
9 enough slides. We're going to have some more of a
10 conversation. So please hold me to that.
11 I was asked to answer the
12 following question: What is Washington doing and
13 does it help or hurt? The answer to it -- to that
14 question is: It could help more and some of what
15 they're doing has the real potential to do some
16 serious damage. All right. Any questions?
17 And let me tell you how I arrived
18 at that answer. I spend time, as a result of
19 being at the Annenberg Institute, in several
20 layers of education reform conversations. Part of
21 what we do at the institute is we support
22 community organizing and engagement, and so we
23 provide technical assistance to community-based
24 organizations, who often ask the question: Is
25 what the superintendent doing going to be any good

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 for the kids in my communities and schools? And
3 that really grew out of the work at the Cross City
4 Campaign, where I met many of you over almost 20
5 years ago. Right? So that's one source of the
6 work we do.
7 Another source of the work we do
8 is called district reform and leadership. And in
9 that setting of work, I spend my time with school
10 board leaders, urban superintendents and leaders
11 of teachers' unions, who are formulating reform
12 strategies that are asking the questions: What
13 those guys in Washington are doing, is that really
14 going to help us out, how do we understand that
15 and how do we speak to that.
16 And then another part of how I
17 spend my time, because we are the Annenberg
18 Institute and people think we are a philanthropy
19 foundation, is I talk to people at the Gates
20 Foundations goals, Merck and others, who ask my
21 advice and counsel on what they should be doing,
22 and I also chair the National Superintendents, and
23 so I speak to 11 or 12 superintendents and we meet
24 about twice a year.
25 So, I mean, these different

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 layers -- national, state, and district and
3 community conversations -- and there are some
4 significant disconnects going on that pose
5 challenges to our nation's states, which are to
6 get all students to proficiency, however that's
7 defined, and now it's defined primarily by
8 standardized tests in English and mathematics, and
9 in new goals, set largely by the Gates Foundation,
10 people setting (inaudible) to make students
11 college ready. And then the question becomes:
12 Well, what kind of students do we need to get
13 college ready, and who defines that? Right now
14 the people defining it are professors and
15 universities are defining what that means.
16 So at the national level, we have
17 been defining the standards and setting timelines
18 for change, and the result is that the
19 conversation is dominated by leaders and it's very
20 leader centered, and it is very -- not very much
21 community centered. Right?
22 So let's talk about the
23 implications of having a leader-centered dialogue
24 about education reform that's dominated primarily
25 by corporate, philanthropic, political and media

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 elites, who can actually convene themselves
3 regularly because they exist and work in groups of
4 50. Right? 50 governors, 50 chief state school
5 officers, the President and assistants and
6 deputies, and then the four or five foundations
7 that are supporting, you know, that agenda.
8 So they have a set of frames, and
9 there's a wonderful word that I learned from a
10 lawyer back in Memphis, who I just met going to
11 New Orleans, this notion of "cartographers," who
12 are the people who are drawing the maps, and how
13 do they represent reality and where are they
14 misrepresenting reality?
15 So the representation of reality
16 is warped, first of all, by the fact that we have
17 a federal governance system in education which
18 differentiates the role of the federal government,
19 state government and local government. Right? So
20 the feds say, well, our role in education is very
21 limited. Right? We only provide about ten
22 percent of the money. The only thing we can
23 dictate is what the standards are, and we can't
24 even do that directly. We have to have national
25 voluntary organizations, and our roles are also

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 around assessment. Right?
3 So the levers that the federal
4 government feels are primarily available to them
5 are the standards levers and the assessments
6 levers. And their theory of action has been,
7 since standards-based reform, is if we define the
8 standards and we develop assessments, we can
9 strengthen accountability so at least we can
10 identify the good schools from the bad schools and
11 we can reward the good schools, punish the bad
12 schools, and then that will lead to system change
13 given the responsibilities we have at the federal
14 level.
15 So it's no surprise, then, that
16 the Obama administration's four-point framework
17 emphasizes standards and assessments, emphasizes
18 improving teacher and principal effectiveness, but
19 the leverage they use to do that are sanctions and
20 rewards. Give more money through merit pay to
21 good teachers; fire the bad teachers. Be silent
22 about building professional capacity because
23 that's not the federal government's role, right?
24 So when they say we recognize the importance of
25 teacher/principal equity and effectiveness, they

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 focus on the narrow banner of incentives and
3 sanctions and merit pay for that. Capacity
4 building is not their role. That's the state's
5 role and that's the local role.
6 And then, of course, the federal
7 government emphasizes data. Right? If you're
8 going to have an authentic accountability system,
9 you have to have data and you have to use data,
10 and recognize the need to turn around low
11 performance schools, but, again, in their mind,
12 they can't get into the teaching and learning
13 because that's a state and local responsibility.
14 So as far as we can go, we can just push people to
15 at least change the people in the places. Get rid
16 of the principals, fire half the teachers, change
17 the management organization and restart
18 transformation by turnaround. That is a unique
19 product of our government system because other
20 countries that have national systems actually
21 don't respond to this problem in that way. Right?
22 So one of the things we have to
23 ask ourselves about in this country, and I think
24 we're starting to ask ourselves about this not
25 only in education, but also in the nature of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 economy and border democracy, is our federal
3 government system up to the task of producing
4 results at scale?
5 And I think that, you know,
6 because I've been in this business with many of
7 the people in this room, Theresa Perry, Asa
8 Hilliard and others, for a whole 20 years, I'm
9 basically beginning to -- the answer to that
10 question is actually no, because there isn't a
11 degree of conversation between the national, state
12 and local. The national and state and
13 prescriptions are basically almost uninformed by
14 the conversations that people are having locally.
15 Because I just come from New
16 Orleans, New York, Boston, Chicago, headed to San
17 Diego, Berkeley, and the conversations I have
18 locally aren't about this set of levers entirely.
19 They're about these levers plus. So let me finish
20 these levers: Standards assessments,
21 accountability, citizen sections, data use,
22 alternative staffing and school governance models
23 and plus, fixing low performance schools, and now
24 the Government, to its credit, is putting its
25 money where its mouth is. There are going to be

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 billions of dollars, both public and private,
3 flowed to states to race to the top, as someone
4 already described, through the New Innovation Fund
5 and through school improvement grants, which are
6 already out the door in many states to support
7 turning around schools where black students are
8 highly likely to be present, along with Latinos,
9 where most of the schools are in cities and urban
10 areas, although some are in rural and suburban
11 areas, and yet the options don't speak to the
12 broader issues that you saw reflected in the
13 consortiums piece, in the research of Theresa
14 Perry and the studies of high schools and even on
15 the system of questions that Torch presented
16 because, actually, if you look at the turnaround
17 strategy, it's all about change within schools and
18 structural change within schools, silent on the
19 role of the district in supporting this and
20 deepening this, silent on the role of the states
21 and silent on the role of the community. And so
22 there are some stark missing ingredients in this
23 reform approach.
24 First of all, it almost
25 exclusively views reform as a technical

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 enterprise, not a political, social and cultural
3 enterprise as well. And so if you view this
4 solely from a technical standpoint, there's no
5 need to engage community, because the expertise
6 doesn't exist in community. You want to share
7 with the community what you, as the expert, know
8 should be done, but, actually, you don't need to
9 spend a lot of time talking to community because
10 you guys don't know what to do. If you did, you
11 would have done it already and talking to you
12 slows me down. Right?
13 The leaders are three-year time
14 setters. Maybe four. And those time setters are
15 determined by the length of their contracts and
16 their political life spans. Right? That's their
17 timeframe, and no matter who they are and no
18 matter when they arrive, they have a sense of
19 urgency that they have to get this work done and
20 produce measurable results in three to four years
21 or less. And that's the mind set of the leaders,
22 and quite frankly, I'm not criticizing them for
23 that mind set. That's a reality for them. The
24 contract exists, the mayor who I'm responding to
25 is only going to be around for four years, I got

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 to produce some results, and talking to you people
3 is going to divert me from my task. And what are
4 the most available levers I can apply to produce
5 the results? Which, for the most part, over the
6 last 20 years, by the way, have been successful in
7 getting kids from below basic to basic. Right?
8 And then the tests are recalibrated and a new
9 generation of kids arrive and we find ourselves
10 who are, again, below basic and we get them to
11 basic. And this recalibration, this bouncing back
12 between below basic and basic has been going on
13 for the last two decades, which is why successive
14 superintendents can all declare success. Right?
15 Mostly by the way of the elementary level, silent
16 on the high schools. Right?
17 Why in the world would the
18 consortium focus on the elementary schools? Look
19 at Chicago high schools. Look at the Philadelphia
20 high schools. I can tell you the four high
21 schools that are probably failing in Philadelphia
22 are probably the same four high schools that were
23 failing when I was here 15 years ago. Right? I
24 can tell you that right now without any data or
25 research behind it.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Nonetheless, there are some new
3 things. It does take a system to reach scale,
4 which, unfortunately, doesn't seem to be a lesson
5 we want to acknowledge in this country. We look
6 at other countries, they have systems of
7 education. When I go to the U.K., which I do go
8 for over eight schools in London and eight schools
9 in New York, the problems I present to them are
10 almost unfathomable. Right? It's a national
11 system. We can set the standards. We can develop
12 the standards. We can get the higher education
13 community to teach these standards. And, in fact,
14 we can have the technology and infrastructure so
15 that, in fact, teachers can see the standards in
16 the curriculum and, in fact, can engage and
17 augment it. And I've actually seen it in schools.
18 Right?
19 So when we say a national
20 curriculum, you know, Americans in a position of
21 assistance think that means somebody up here knows
22 the curriculum that people in Washington have set.
23 No. They have expertise in schools developed in
24 their national curriculum and then augment it
25 because they have the technology and the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 infrastructure to do so. And they convene people
3 across schools and across the country and they
4 visit internationally and they do lots of things
5 to build professional learning communities and
6 trust and they have their problems. But they
7 have, at least, a national infrastructure
8 organized behind what they say they're doing.
9 Right?
10 We seem to be avoiding what the
11 system is that we have to build to get us to the
12 results, and the people on the -- and I don't even
13 know how to describe the political orientations
14 anymore: Neoliberal, neoconservative. But none
15 of us, and I've been here -- except for Torch, we
16 shouldn't be silent on what's the system. This
17 can't simply be done in schools alone, school by
18 school, because you won't get there. That's my
19 conclusion, you won't get there. And when I hear
20 people in school after school, from Boston to New
21 Orleans with charters and education management and
22 organizations say, eventually, and it's usually
23 within two years, now we need to talk to each
24 other to learn from each other, and there's no
25 mechanism at the system level to do that. Right?

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 No support for conversations across schools among
3 teacher leadership, principal leadership and even
4 central office leadership for how we learn how to
5 do this work better over time. That's a system
6 conversation that, apparently, we seem to have
7 avoided that other countries perhaps their
8 cultures and values don't avoid.
9 So at least we are now in some
10 forums talking about what's the district or system
11 look like, and I will take credit for the
12 Annenberg Institute for starting that conversation
13 in the Task Force for the Future of Urban Systems.
14 And there are three theories of action about what
15 the system looks like.
16 One theory of action actually was
17 popular with Obama before he became mister
18 portfolio schools, which he actually isn't. He's
19 managed instruction. What he did in Chicago was
20 to do a decentralization. The first work of
21 decentralization is local school counselors, which
22 is community centered, not necessarily school
23 centered. Right? It brings communities into the
24 governance of schools and helps schools plan.
25 When Paul had said, "That's not

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 going to get us where we need to get very quickly
3 in the span of my leadership," and so he
4 introduced managed instruction. He established a
5 district-wide curriculum in mathematics and
6 science and became very top down and directed.
7 That's one path. And there are other methods that
8 are connected to that path as well.
9 Another path, professional
10 learning communities. The way you build and
11 design a system is to encourage teacher
12 collaboration with principal leadership and share
13 data within schools and across schools. And my
14 colleagues, Joan Talbert and Willie McLaughlin and
15 Torch and others have had adherence to that sort
16 of professional learning community, and I think
17 the Chicago Consortium research echoes that in
18 terms of what it looks like in the schools, but
19 it's sort of silent about what district supports
20 are necessary for that to spring to life across
21 schools and lead to reform at scale, for some
22 reason.
23 The other model that seems to be
24 highly popular today is the portfolio of schools
25 approach. Now, this model says, well, schools

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 should be about the business of knowing how to
3 improve teaching and learning and that's the job
4 of teachers and principals. Right? And the job
5 of the district is actually not to dictate what
6 teaching and learning should be, but only to set
7 the standards, collect the data, hold schools
8 accountable. When they don't do well, close them
9 down and restart them. Right? And if the
10 expertise doesn't reside inside the system, we
11 will resort to providers and partners who do so.
12 Right? That's the portfolio of schools. The
13 district, as an organization, it provides data and
14 standards, run some schools themselves, but when
15 schools falter and fail, you bring in outside,
16 external partners, and support a relationship
17 agreement outside of -- it's an argument that's
18 authentic in that it believes that the districts,
19 as they currently exist, really don't have the
20 capacity to support performance scale, so you
21 narrow their responsibilities and you broaden
22 their partnerships.
23 But, again, for that model to
24 succeed, an infrastructure has to be with it and
25 establish relationships with communities and a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 discussion about what that infrastructure is and
3 looks like, particularly in schools serving
4 disadvantaged students from neighborhoods that
5 have been distressed and ignored and disinvested
6 in, has to be had for any of these models to have
7 traction.
8 Now, I would also say that in most
9 of the districts I've worked in, because of the
10 leadership turnover, all three models are in place
11 to some degree. Right?
12 (Laughter.)
13 DR. SIMMONS: So it's like New
14 York. You know, I've seen New York, over the last
15 few years, who were applying the managed
16 instruction move to professional learning
17 communities and now going to portfolios of
18 schools, at least as its frame. But, in fact, if
19 you look at what the people are doing, there are
20 still people who have the old adherence to
21 coalition in professional learning communities,
22 and that's people asking for a new curriculum.
23 Right?
24 So, you know, depending on the
25 frame of the leaders and the supporters, this work

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 can be described as portfolio or could be
3 described as professional learning community. And
4 I would say, quite frankly, if you think about the
5 system that supports differentiated approaches,
6 it's probably the case that you have to have an
7 integration of all three of these approaches to
8 serve the range of needs and resources that exists
9 in communities and schools.
10 But here's what I also see
11 happening at a national level:
12 One is an agreed-upon recognition
13 that these three approaches are, first of all, not
14 mutually exclusive; and second of all, as we've
15 seen recently in New York City, we don't seem to
16 erase achievement gaps, and we don't seem to be
17 getting from basic to proficient. We seem to be
18 successful at getting from below basic to basic
19 and recycling that.
20 The other issue is the approach
21 coming from the national level down. As I said
22 earlier, it doesn't pay much attention to the
23 political, social and cultural dimensions of
24 reform. It also doesn't pay attention, given the
25 states are now in the driver's seat with the money

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and the definition of the strategy of becoming
3 successful, of the enormous lack of capacity that
4 exists at the state level and the historical
5 tensions -- political, social and cultural --
6 between state education agencies and state
7 government and urban school districts and school
8 boards and school committees. Historical issues
9 about race connected with inequitable distribution
10 of funding.
11 So those guys that you've been
12 suing for the last 20 years or 30 years -- how
13 long have you guys been suing those guys? They're
14 now in the driver's seat. They have your money.
15 Well, your state doesn't have it, but some other
16 states have it. And they're in the drivers's
17 seats, and they're able to dictate from the frames
18 that they use it. How you are going to use your
19 resources? And their frames lack this
20 community-centered, political, social, cultural
21 analysis.
22 And so, if you look at the recent
23 ETS report on the black/white achievement gap and
24 when the progress stopped, oddly, it stopped at
25 the rise of the corporate elite's view of

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 education reform with the nation at risk, that
3 when this country was investing poorly,
4 inadequately and corruptly in model cities and
5 investing in narrowing achievement gaps and
6 poverty, we seem to have made more progress in
7 narrowing the achievement gap as measured by the
8 National Assessment of Educational Progress than
9 we have made since 1990 and the present time.
10 And, oh, by the way, another announcement shows
11 that while the results were stagnant between 1990
12 and 2000, they have widened with the inception of
13 "No Child Left Behind." Right? So when you ratch
14 it up and now we're moving away from standards
15 with essentially accountability and assessment
16 driven reform, the results are even worse. Right?
17 So the recognition of this in
18 Washington -- but their interpretation of the
19 problem is somewhat different from the DTS point
20 of view, from the consortium's point of view, from
21 Theresa and Asa Hilliard's point of view. In lots
22 of communities, we have to have a reform agenda
23 that also builds on the social capital and
24 intellectual capital in schools. It has to be
25 built in the neighborhoods as well.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And so, in fact, we not only need
3 a school reform strategy that thinks about system
4 building within schools and within districts, we
5 have to have a broader education and community
6 development strategy mounted in cities that
7 connects that cross networks of schools and
8 reaches into neighborhoods and faith-based
9 organizations and community-developed
10 organizations to provide the supports inside and
11 outside the school that catapulted me, by the way,
12 who grew up in East Harlem and attended Brandeis
13 High School, which is one of the worst schools in
14 New York City for a long time. Right?
15 And I got into college, in large
16 part, due to the East Harlem College and Career
17 Counseling Program that had arts and recreation
18 programs and college counseling programs, much
19 like those run by the Philadelphia Education Fund
20 and other college access programs around the
21 country, that allowed me to overcome, change my
22 own view of the world, more successfully work with
23 my schools, and now, the latest label that I
24 learned from Bob Balfrins, who's been doing some
25 analysis of the resistance strategies that student

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 use.
3 One of the obvious resistance
4 strategies that students use going through the
5 school system that increasingly ignores them and
6 underdevelops them is you drop out, anybody with
7 any sense doesn't subject themselves to that.
8 Anybody with a lot of aggressiveness, you know,
9 drops out and, I think, has a lot of help with
10 that.
11 I had a guidance counselor who
12 told me very early on that I should drop out, that
13 I was not college material, and I should just go
14 to work. That was in my junior year of high
15 school. Right? But I wasn't one of those people.
16 I'm now one of the people that Bob Balfrins, who
17 runs Town Development, said he has a whole set of
18 pain-in-the-ass indicators. Right?
19 (Laughter.)
20 MR. SIMMONS: That there are a
21 group of kids in schools, in that wonderful way,
22 who don't resist by dropping out, they resist by
23 becoming pains in the ass. Right? They do enough
24 to stay in school, but they resist openly by
25 staying. They get suspended sometimes. They

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 don't show up in class. They cut the first period
3 for the teacher who's drunk, but they go to the
4 second period and get an A for the teacher who
5 engages them.
6 So they have a portfolio of
7 responses and a mix of grades, which I had. I had
8 A's and 95's and I had zeros. You know, and so
9 people couldn't make -- they didn't know what to
10 make of me. I was saved by the fact that I had a
11 high SAT score and I graduated in '69, when
12 America's small elite colleges said to get rid of
13 the riots, we got to take some of these kids out
14 of the ghetto and put them in schools so that's
15 what gentrified my whole generation, we arrived in
16 colleges and become the people who we are today.
17 So there was a community-centered
18 analysis at some point in our nation's history.
19 Politics and successor republican Presidents
20 changed that frame and the current corporate
21 philanthropy has a narrow lens. It comes from
22 their perspectives in their worlds as
23 cartographers and how they see the world. I don't
24 think we can change that perspective.
25 The challenge before us is how do

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 we, as a community, develop our own agenda and
3 speak powerfully that perspective? Because what
4 I've also seen, that I hold all of us who are in
5 this room collectively accountable for, is an
6 amazing degree to which all of this work we do
7 over 10 to 20 years of time in our careers, we are
8 prone to set aside when a new leader arrives in
9 town. It amazes me. Right? A new leader arrives
10 in town, and it doesn't even matter who it is or
11 the quality of their strategy, and we allow, from
12 the mayor to the City council, school board and
13 teacher union leadership, by the way, and grass
14 roots organizations demonstrate here's what we're
15 going to do now and you line up with this, despite
16 all the research behind the work that you've done.
17 And I've seen this in community after community
18 after community. It damages and undermines
19 sustainability and it leaves us susceptible to
20 voiding the system building infrastructure that
21 takes a longer period of time than the school --
22 individual school change can occur. Right? This
23 building of the system around those schools is a
24 larger endeavor than building the infrastructure
25 in those individual schools, even though that's a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 hard and difficult slug. Right?
3 So ladies and gentlemen, my
4 suggestion to you and the conversation I'd like to
5 have with you, because I need to close this,
6 because I promised to be briefer than I
7 intended -- I've got like 20 more slides --
8 (Laughter.)
9 MR. CUTLER: You have at least 15
10 more minutes.
11 MR. SIMMONS: Good. I'm going to
12 tell you my thinking about what the infrastructure
13 looks like. We have to build a community-centered
14 platform for reform that interacts with the
15 leader-centered platform that currently exists,
16 and responds to and expands the current narrow set
17 of frames that may be necessary, but are
18 incomplete and, to some extent, they're misguided,
19 typically, in certain communities. Right?
20 So I want to tell you what that
21 platform should look like. I think it actually
22 should be built around, with some modifications
23 and discussions, the five essential components of
24 the consortium's work. But addressing the
25 question of what kind -- what's the role of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 system? And I don't want to use the term
3 "district," because once I say the word
4 "district," certain people in this room and in the
5 philanthropic community only conjure up the
6 dinosaur that never worked and served anybody
7 well. Right?
8 But it's interesting that the
9 colleges and the charter community are now talking
10 systems. They're not talking about the
11 traditional; they're trying to reimagine a new set
12 of supports that charter schools have to have so
13 that they can produce results at scale and not
14 replicate the normal distribution of some of the
15 schools, a lot of the mediocre ones and some
16 horrible ones, because they're just catching up
17 with them, and they're going to be in the same
18 boat as many of you have been.
19 So if you start with that
20 framework of essential supports, you might augment
21 it. You might even highlight the community ties
22 more and the need for extended learning
23 opportunities and the role of faith-based,
24 community-based organizations. But if you start
25 with that, then you have to ask yourself, what's

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 the system that gets that to scale? And
3 particularly pays attention to putting that in
4 place in schools and communities that have been
5 distressed because they've been neglected
6 historically and we failed them over time and
7 every solution we seem to present to those schools
8 is to save students individually and teachers
9 individually and close them down or ship them out
10 to magnet programs or to the suburbs. You know,
11 that's the historical solution we have provided.
12 So if we look at the other
13 countries that we so-called compete against, they
14 seem to pay lots of attention to adequate and
15 equitable school funding, which we sort of leave
16 off. They've got national standards and
17 curriculum, but they focus them on higher
18 learning, inquiry, motivation and technology.
19 They have national teaching policies supporting
20 strong teacher education improvement and funding
21 for teachers, raising salaries, giving teachers
22 time to collaborate. This comes from the work of
23 Linda Darling-Hammond in her latest book, the Flat
24 Earth, or something like that.
25 So they support ongoing teacher

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 learning, not just within schools, but across
3 schools. They pursue consistent long term reforms
4 over decades, ladies and gentlemen, not this
5 three-year, hmm, we've reached our plateau, let's
6 throw out what we're doing and try something
7 different, and they focus on broader community
8 supports. Right?
9 Each of these countries that we
10 compare ourselves to -- Finland, Singapore, the
11 U.K., Japan -- they have a social safety net that
12 puts what we call a safety net to shame. Right?
13 They have health care. They have people --
14 parents, when they're pregnant, they get six
15 months off. They have vacations. They have a
16 social safety net that supports and reenforces the
17 learning and achievement goals that we have in
18 schools.
19 So I think it's our job --
20 because, nationally, we seem to be pointing to the
21 results that those countries are achieving, but
22 not the strategies that they're using. It's our
23 job, as communities, to not only point to the
24 results, but to the strategies; and ask ourselves:
25 What would those strategies look like in our

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 national government system if they were
3 operationalized? We can't operationalize them
4 nationally because we have a federal system. But
5 could we operationalize them at a state level?
6 Could we operationalize them at a regional level?
7 Or if it's possible, could we even operationalize
8 those sets of strategies at a city level? Again,
9 avoid the word "district" -- right -- because that
10 would just get some of you to resist the idea. At
11 a city level.
12 So, here's my recommendation of
13 what it's going to take to operationalize that
14 strategy that we've seen in other countries that's
15 working at a city level:
16 You have to have a mechanism at
17 schools that calls for constructive partnership,
18 planning, design and communications. If you're
19 going to expect education people to work with
20 housing people, transportation, health care people
21 and city agencies in some cities, there has to be
22 a mechanism for them to come together to examine
23 data and come up with constructive strategies; and
24 most of the cities I work with, do not have that
25 mechanism. They understand the need for it. They

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 are struggling to build it. San Francisco is.
3 Providence is.
4 Actually, when I worked with Arne
5 Duncan, Chicago, I was part of something called
6 the Mid Size, where I was asked by the mayor --
7 Mayor Daley, for God's sakes -- and local
8 fundraisers to bring together the school
9 department and the housing department and
10 community and political leaders to redesign
11 supports for schools in the mid south of Chicago
12 in a neighborhood called Bronzeville, so that you
13 have the schools necessary to support economic
14 development and mixed income housing strategy.
15 And the City had the patience to do that for about
16 four months.
17 (Laughter.)
18 MR. SIMMONS: Gates came to town
19 with $50 million and offered Chicago Renaissance
20 2010, which is about integrating small schools,
21 the least likely charters disconnected from that
22 large strategy.
23 And, in fact, the response to the
24 Mid Size effort, although the school system did
25 bump us out of it, was that other communities that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 saw that model said, "I want that on the west
3 side" and "I want that on the north side." And
4 the Mayor's response was, "Oh, God, everybody now
5 wants to do this. I can't do this."
6 And the business community -- and
7 Gates came down with $50 million. And again, a
8 good example of leadership and performance. The
9 community says we're going to do. Gates is a
10 leader. He comes to town with $50 million and the
11 mayor, the school superintendent, the director of
12 housing, business leaders, all basically said,
13 "Okay, we're going to do this now." Right? Just
14 boom. Just that fast.
15 So, in essence, how can we, who
16 represent communities, not respond if you have a
17 stronger cross-sector partnership with Gates, with
18 Merck, with Annenberg, with any funding that comes
19 to town that says, "This is what we want to do"?
20 You have a set of constituencies and a plan in
21 place to say, "We might do some on that, but
22 here's what we've been doing and here are the
23 results that we've obtained."
24 Secondly, in addition to the
25 cross-sector partnerships you have to -- as

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Deborah Meier said -- you have to have a broader
3 set of outcomes. And maybe feds, given a limited
4 role, can be consistent and focus solely on
5 mathematics and English. That doesn't mean you
6 have to do it in your community.
7 One of the things that I've said
8 when we've brought standards down to the
9 development in Philadelphia, was when you brought
10 it to the local level, people said, no, we don't
11 need standards just in English and mathematics.
12 We need it in arts, in social studies and world
13 history and world languages. It was a whole range
14 and in keeping with a discussion about standards,
15 when it was local as opposed to when it was
16 conducted and formulated at the national level,
17 and so you need that mechanism to respond to a
18 national vision and a state vision of what we're
19 after to one that says, hey, what we're after
20 locally, we're going to put our resources behind
21 locally.
22 Final -- a few things I'm going to
23 say and then I'm going to stop because, I mean, I
24 can go on for another 30 minutes, is this work has
25 to be community and family centered and not just

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 individually oriented. The bias of the national
3 perspective in corporate philanthropy is the
4 problem in educating the individual student and
5 working with the individual teacher and individual
6 principal. They don't see the cross communities
7 of learning, either at the adult level or the
8 cross communities of learning at the student
9 level.
10 And, in fact, I would say I am a
11 product of that strategy and I am a demonstration
12 of its success and its failure. Because what they
13 did was they succeeded in taking me out of that
14 community and educating me. I'm now happy to say
15 I have enough money to retire successfully, we're
16 building a house. What they didn't understand was
17 what they were behind and so people like me and
18 Jeffrey are out of Harlem. Right?
19 And they had no strategy for
20 dealing with the greater concentration of poverty
21 and dysfunction when they took people like me and
22 Theresa and Jeffrey to Bowdoin, to Macalester -- I
23 don't know where you went -- and left behind a
24 community that was weakened as a result.
25 To Jeff's credit, he went back and

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 spent the next 20 years of his career, unlike me,
3 building a base. Most of us didn't. And most of
4 us, when we had children, took them to the suburbs
5 to go to school. So we need a strategy that
6 recognizes, as the consortiums we're in today,
7 that this is not fixing simply individuals and
8 individual teachers and individual schools, but
9 there are some communities and neighborhoods that
10 over 20 years have been -- they've been
11 disinvested in. And to get from basic to
12 proficient is going to require an enormous
13 investment of capital, of fiscal resources and
14 social and cultural resources, and that's the
15 conversation that hasn't been had in New Orleans
16 or Chicago or New York because it's focused on the
17 individual school, individual teacher, individual
18 student. And you are responsible, ladies and
19 gentlemen, for the people who live in these places
20 for 20 or 30 years of your lives, for shifting
21 that debate.
22 I think it calls for more action
23 research organizations. I think it calls for more
24 of an investment in community organizing
25 engagement, not the media communications stuff

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that we see happening where everybody goes to see
3 a movie and you get the money behind it. But
4 genuine dialogues in communities with teachers and
5 their union leadership and district leadership and
6 political leadership to develop a
7 community-centered plan to respond to the enormous
8 power that we are currently faced with by
9 corporate philanthropy and now by your own tax
10 dollars, ladies and gentlemen, are being leveraged
11 by corporate philanthropy to impose, I'd say, an
12 agenda that may have some of the necessary
13 ingredients for success, but really is absent the
14 focus on community, on culture, on race and
15 ethnicity and a border set of developing
16 investments that are necessary.
17 If we don't respond, ladies and
18 gentlemen, I can tell you what's going to happen
19 in the next two or three years. If Obama gets
20 reelected, we're going to look at the results of
21 all this money and the Republicans are going to
22 say, "You did what? You spent how much money?
23 You invested how much?" Because that was part of
24 the Annenberg Challenge, right? Deborah Meier.
25 We all created and were involved,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 many of us, in the Annenberg Challenge. The
3 public frame from the right was, you know, we let
4 a guy who was a Republican get swayed by these
5 radical liberals to pursue this little small
6 schools agenda and it didn't produce any results.
7 We are never going to let that happen again.
8 Now, fortunately, it didn't matter
9 if they didn't do that because we also got the
10 Gates Foundation to invest in small schools in
11 many of the same places with many of the same
12 people. And then another four years passed and
13 the people were incensed and they said, "They
14 didn't get that we were never going to let that
15 happen again."
16 So I now am having conversations
17 in small rooms, and I don't know how I keep
18 getting invited, but where these corporate
19 billionaires keep talking to each other and they
20 agree on who they're going to invest in and who
21 they're not going to invest in, and they have
22 their own data generation machine that produces
23 the results that they want to see, and unless we
24 develop infrastructures and mechanisms to respond
25 to that at the local level, we are going to be

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 blamed for the lack of results that this next
3 round of reform is eventually going to produce and
4 we will be subject to and vulnerable to the next
5 set of leaders who come with the next set of
6 prescriptions funded by and framed by those
7 cartographers, billions of dollars at their
8 disposal, and control of the media. And I don't
9 want to live through that again.
10 Thank you very much.
11 (Applause.)
12 MR. CUTLER: Thank you,
13 Dr. Simmons. That was terrific. Do we have time
14 for Q and A, Don? A couple of questions? Five
15 minutes? We have five minutes.
16 MR. CHURCHILL: Prescription is
17 wonderful. It also sounded to me like it's really
18 like saying it's going to take a long time to do
19 these things -- the money, the supports, et
20 cetera -- that would make these changes. It seems
21 to me what's driving public support to the extent
22 that there is some of the alternative corporate
23 agenda that you describe is the desire to have
24 something done faster; that, how are we -- you
25 know, we need success. Our kids are there now.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And what are we going to do that gets us a change
3 now? How can you deal with that in a way that
4 will -- will not tell people I have to wait
5 forever, but also do what needs to be done?
6 MR. SIMMONS: You know,
7 fortunately, the public has demonstrated that it's
8 not as stupid as we thought it was. Right? You
9 know, because the whole rationale for the fancy
10 reapproach was urgency. "These communities, these
11 schools, these kids have been devastated. We
12 don't have time to talk to anybody. We know what
13 to do. Get out of the way. Let us do it."
14 Right?
15 And what happened? What happened
16 when we went to the ballot box? People understand
17 the need for change, but they also know when
18 change is -- I think we'll just all use the label
19 authentic. Right? And if it's not going to be
20 authentic, then your urgency loses credibility.
21 Right?
22 And it's also the case that people
23 have not been through local communities, these
24 rounds of reform that all of us have been a part
25 of. They've been part of small schools. They've

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 been part of professional learning communities.
3 They've had standards delivered to them, as we did
4 in Philadelphia in big, thick books on the front
5 desk the day before school started. And they've
6 had money poured down them in some cases, and they
7 haven't seen change.
8 I think many people in communities
9 understand this is a longer term effort than we
10 give them credit for understanding. And they're
11 willing -- they're more willing than we give them
12 credit for, to be engaged for the long term, if we
13 build a mechanisms to hear them and have them
14 collaborate for a long term. If there aren't any
15 mechanisms for that, then they will ride the
16 three-year cycles of change and they will, you
17 know, deal with the compromise, knowing that that
18 three-year cycle, we'll help some of these kids at
19 stake, but not all. Right?
20 That's their desperate charter
21 school phenomenon. So allowing the kind of system
22 that we build to educate all kids fairly and
23 equitably, but it's inherently inequitable, but
24 that presentation shows you desperation in the
25 absence of a mechanism that guarantees that, over

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 time, we build a system that will work. So build
3 mechanisms of community organizing and engagement
4 and people will give you more time.
5 I will try to measure the length
6 of my answers going forward.
7 UNIDENTIFIED SPEAKER: Are there
8 any cities that are beginning to do this more?
9 DR. SIMMONS: People always ask
10 that question. The answer is: For a period of
11 time.
12 UNIDENTIFIED SPEAKER: Yeah.
13 DR. SIMMONS: And they get swept
14 aside by the new round of urgency, the new cycle
15 of -- by the way, remember goals 2000? Somebody
16 raise your hand. We were going to first in the
17 world by when?
18 UNIDENTIFIED SPEAKERS: 2000.
19 DR. SIMMONS: 2000. Did anybody
20 lose their heads when we weren't first in the
21 world?
22 (Laughter.)
23 DR. SIMMONS: Well, most people
24 who did were people in the schools. Students and
25 some teachers and some principals lost their

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 heads. Did anybody at the top lose their heads?
3 So this is unequal accountability that we have
4 going. Accountability seems to be going down, but
5 it doesn't go up. Right?
6 So another thing that the
7 communities have to argue for is: How do you
8 build reciprocal accountability systems? Right?
9 "I will do this in exchange for these kind of
10 scores from you; and then if we fail, here are the
11 consequences I face and here are the consequences
12 that you're going to face." So reciprocal
13 accountability systems as articulated by the Cross
14 City Campaign for Urban School Reform.
15 So have cities done this? I can
16 point to Chicago, for a brief period of time. I
17 can point to Rhode Island, Urban Education Task
18 Force. I can point to Mobile, Alabama, The Public
19 Education Fund Network has had many organizations
20 that convene these conversations -- The
21 Philadelphia Education Fund -- but have we ever
22 sustained it? Children achieving wasn't simply
23 David's ten points. The flesh and bones of those
24 ten points were articulated by work groups
25 organized by the community, as I recall. Right?

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 UNIDENTIFIED SPEAKER: This is
3 true.
4 DR. SIMMONS: So then we slam the
5 leader and we pushed aside that mechanism and
6 allowed another leader to come in and we say, no,
7 seriously, he's going to say something very
8 different.
9 So the answer to the question,
10 "Has a community ever done this before," well, how
11 come those guys don't answer that question, by the
12 way? I mean, that doesn't seem to stop them. Has
13 anybody done it before? It makes sense to me.
14 Let's do it. I mean, I could give more evidence
15 to support --
16 UNIDENTIFIED SPEAKER: I just
17 wanted a model; that's all.
18 DR. SIMMONS: There's more
19 evidence for the work that we do than I see behind
20 the hundreds and millions and billions of dollars
21 that are driving those forced school turning
22 options.
23 So the other problem that we face,
24 ladies and gentlemen, is, you know, if I was a
25 multibillionaire, which I'm not, but I had like

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 $50, $60 million and I sat in this room and
3 surreptitiously I said, I'm going to listen to
4 these people and then based on what they do, I'll
5 give them $100 million, if I get a clear consensus
6 of what they want to do. I sit in the back room,
7 I've got an open mind, but I don't have a clear
8 consensus on what you want to do. But I hear you
9 critiquing each other more than I do you reaching
10 a consensus about what to do.
11 When I'm in those rooms with those
12 guys with the millions of dollars, they are
13 certain about what to do and they've echoed and
14 reinforced that. We seem to nitpick with each
15 other more than they do. So I'm going to take my
16 $100 million and put it behind the guys who are
17 certain about what to do, not this room full of
18 nitpickers and, you know, qualifiers and caveat
19 builders.
20 Okay. Did I say something wrong?
21 MR. JOSEPH: We've got one problem
22 here.
23 DR. SIMMONS: Yeah, what's that?
24 MR. JOSEPH: That we didn't
25 schedule you for another hour.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 DR. SIMMONS: But you need to
3 schedule yourselves, ladies and gentlemen. What I
4 will say is that all of us are going around the
5 country -- or some of us -- because I was just in
6 this conversation in New Orleans; I'm in this
7 conversation in Rhode Island; I'm in this
8 conversation in New York; I'm in this conversation
9 in Boston; I'm in this conversation in Chicago.
10 And you are around other conversations. These are
11 the kinds of things people are talking about at
12 the local level. We have to create mechanisms to
13 strengthen, define, articulate, make them more
14 powerful, and then push it back up.
15 MR. JOSEPH: With that, I prove
16 that the Brown connection was exactly right, and
17 he deserves a wonderful round of applause.
18 (Applause.)
19 MR. JOSEPH: So this conference
20 keeps getting better and better. It's just
21 fabulous. Thank you, Warren.
22 Jenny Clarke is now going to
23 introduce the next panel. And while they're
24 coming up, I suggest that we all, in place, stand
25 up and take a stretch and do something because

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 it's hot, and it's a long day.
3 - - -
4 (Whereupon, there was a pause in
5 the proceeding.)
6 - - -
7 MR. JOSEPH: Okay. So we're going
8 to get started again. I am going to manipulate
9 the schedule a little bit, so don't rely on the
10 times that are in your schedule, but we will
11 have -- everybody will have pretty much the same
12 amount of time. I may shave five minutes off of
13 two or three of the remaining sessions.
14 So with that, I'm turning the
15 podium over to our chief executive of PILCOP,
16 Jenny Clarke, who I might tell you is, with
17 Michael, the brains behind all of this. As you
18 can see, I try to make the trains run on time and
19 I'm a little off. But Jenny, good luck.
20 MS. CLARKE: Thank you.
21 Before we start this session, I
22 just want to have an advertisement for the very
23 last session, because we're really going to
24 continue the conversation that Dr. Simmons
25 encouraged us to have about building a platform

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 for continued conversation in this city.
3 But for this session, we're going
4 the pick up on another topic that Dr. Simmons
5 touched on, and that is, it's really the same
6 conversation that we've been having all day, but
7 from a different focus, and that is: Why do kids
8 leave school?
9 We have, today, four experts in
10 the subject, and I'm not going to go into great
11 detail because their bios are on Page 357, but
12 just briefly, we have Kay Kyungsun Yu, who is the
13 chairperson of the Philadelphia Human Relations
14 Commission and has been hearing -- or has been
15 chairing the panels around the City over the last
16 year about school violence in South Philadelphia
17 high schools and around the City. Kay is also
18 the -- on the Task Force on Racial and Cultural
19 Harmony, which was formed by the school district.
20 We are also very fortunate to have
21 David Lapp, who's the staff attorney from the
22 Educational Law Center, our great partners in
23 Philadelphia on educational law, and David has
24 focused his work on school climate and alternative
25 schools.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 We have -- we're very fortunate to
3 have Courtney Collins Shapiro, who is currently
4 the deputy innovation officer at Mastery Charter
5 School. She's been, I think, quite busy recently
6 raking in money.
7 (Laughter.)
8 MS. CLARKE: But she also was
9 formerly at the School District of Philadelphia,
10 and she managed the Multiple Pathways to
11 Graduation Division.
12 And finally, we are exceptionally
13 honored today to have a student, Brandon Williams,
14 and Brandon is going to talk to us about this
15 subject as well.
16 So, with no further adieu, I want
17 to just start by pointing you to two studies in
18 your materials which talk about the dropout rates
19 in the School District of Philadelphia and
20 nationally, and I'm not going to go through the
21 numbers. The numbers are terrible. But the
22 numbers really show you that we have to worry
23 about why kids leave school, as well as what goes
24 on in the school. And I recognized it's the same
25 conversation, but the number that really will jump

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 out at you most is the number in the gentrified
3 SHOT report, the 50-state report, on black boys,
4 and that tells you that dropout -- that the number
5 of boys who stay in school in the City of
6 Philadelphia is 28 percent. The rest drop out.
7 So those are horrifying numbers, and this topic is
8 one that I hope you pay close attention to.
9 So what we're going to do today is
10 we're going to have a little bit of a Q & A, a
11 little bit of presentation, and I hope a great
12 dialogue.
13 So we'll start by asking Courtney
14 to talk to us about why kids leave. Courtney has
15 been in the position of gathering data on that
16 subject, and so she's going to talk to us about
17 what the data shows us about why kids leave
18 school.
19 MS. SHAPIRO: Hi, there. Good
20 afternoon. It's a little warm in here, right?
21 And Brandon could probably speak
22 to this much better than I, so he's going to get a
23 chance to chime in.
24 Multiple Pathways at the school
25 district is basically a place where the district

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 recognizes that young people are dropping out at
3 an alarming rate and trying to figure out how to
4 bring them back to school. So they created a
5 Multiple Pathways to Graduation that's creating
6 different kinds of schools to allow these kids a
7 way to return.
8 So just some background in terms
9 of what -- I'm looking at a PowerPoint here, so I
10 will try not to drag on with that, but just some
11 quick snapshots.
12 So 2600 kids choose to return to
13 school every year from dropout in Philadelphia.
14 It's something called the re-engagement Center.
15 This is where young people can come of their own
16 volition and say, "I'm out of school. I want to
17 come back." We opened it about two years ago.
18 And since we opened it, on their own, with no
19 marketing, no outreach whatsoever, 2600 young
20 people between the ages of 15 and 22 have chosen
21 to walk through the doors to say, "I need to come
22 back to school." This isn't by any stretch of the
23 imagination all of the young people that are out
24 of school, but it's saying something that without
25 any outreach, these young people are choosing to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 come back.
3 Somebody has the clicker.
4 Okay. So I'm going to go through
5 and talk about them. When young people came out,
6 we actually do an intake with them and they say,
7 "Why am I leaving? Why did I leave in the first
8 place? And so there's about 15 different options,
9 and some of them have some subheadings, but the
10 number one reason young people are saying they
11 drop out is family issues. And then there's a
12 subheader of, well, what does that mean? So I put
13 some of those up, the major ones.
14 32 percent of the young people
15 that are dropping out are saying the number one
16 reason I dropped out of school is something is
17 wrong at home.
18 14 percent of young people say, I
19 didn't like my assigned school. Now, that's a
20 whole bunch of things, but most commonly, if we
21 look at our young people that are coming back,
22 more than 50 percent of the young people that have
23 returned to us are coming from the same ten high
24 schools. Something's happening in those high
25 schools. There's sort of a national report out

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 there that talks about dropout factors. These
3 schools are not conducive places for these young
4 people to learn, and whether it's a safety issue
5 or they just don't feel like the school's
6 providing them what they need, there's a big
7 problem with some of our schools that's driving
8 young people out.
9 Third one is pregnant and
10 parenting. So greater than 13 percent of young
11 people reported that was the number one reason for
12 dropping out, but fully 37 percent of the young
13 people who come back to us say they either have a
14 child or are expecting one. So there's a lot
15 going on with our teen parents, particularly our
16 teen moms in the City, and that really needs to be
17 addressed.
18 Behavioral issues at school is the
19 fourth sort of topic on this list. And when we
20 talk about that, some folks at this hamlet will
21 talk about alternative schools and whatnot. So
22 kids who are having discipline problems in school
23 are getting in trouble, a lot of young people are
24 choosing to drop out rather than enroll in a
25 disciplinary school, and we really need to look at

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 what are the root causes of why these young people
3 are getting into trouble. It's not always this
4 broad brush of, oh, it's just bad kids. A lot of
5 times kids are being provoked or there's a long
6 history of something else going on in the
7 neighborhood. But the behavioral issues are
8 certainly one of them.
9 And then boredom. This gets a lot
10 more play nationally. I think the Gates folks are
11 coming out saying, "Ah, these kids are all bored.
12 We just need to challenge them more. This is a
13 reason why kids will drop out in Philly, but we've
14 also been provided with some data that says it's
15 maybe not that they're bored; it's that when they
16 say they're not being challenged, it's like you're
17 not even being addressed in the classroom. Folks
18 just sort of give up on some of our kids who are
19 not -- who aren't learning or who are struggling
20 to learn, so we put them off in the corner in some
21 of our mainstream schools. And so boredom is:
22 Why should I be here? No one cares that I'm
23 here."
24 So a couple of other quick
25 snapshots and then we'll stop to break them up.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Things we didn't even know about
3 that kids were dropping out. This is not an, all
4 of a sudden, we have no idea why they're dropping
5 out. There are some folks here from the
6 Philadelphia Education Fund and they did some
7 really great research with Johns Hopkins that says
8 we can tell you in sixth grade what's happening
9 with these young people. And I think what the
10 gist of this slide is, it's easy: It's
11 attendance, behavior and forced performance.
12 If a young person in sixth grade
13 is attending school less than 80 percent of the
14 time; that means they're missing 36 days of
15 school; if they are -- have a behavior challenge,
16 so like they're getting like not a perfect mark in
17 behavior on their report card, or they're failing
18 English or math by the end of sixth grade, fewer
19 than 20 percent of those kids will have graduated
20 high school.
21 So you can basically pinpoint
22 backwards with students in sixth grade and say
23 unless I provide a very serious intervention now,
24 they're not going to make it. 80 percent of them
25 aren't going to make it. So it's not like we

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 don't know who these kids are.
3 If you flip to the next slide,
4 this continues to go on. We have a really good --
5 pretty good measure of who's going to drop out.
6 In eight grade, it's failing reading or math
7 again, and it's coming to school less than
8 80 percent of the time. Again, when we did the
9 data, it's actually 77 percent of those kids will
10 drop out.
11 And then flip to ninth grade. And
12 the interesting part about this ninth grade factor
13 is: These kids didn't have any indicators before
14 they got to ninth grade. So of the ninth graders,
15 they showed up in ninth grade, they were attending
16 school, they were passing their classes, they were
17 doing okay. If, in ninth grade, they start
18 becoming truant, they don't pass English or math,
19 "I'm not here all the time, so I'm going to drop
20 out."
21 So all I'm trying to relay is the
22 framework for is we know kind of where these kids
23 are, we know who they are, we can predict what's
24 going to happen, and really we have to talk about
25 conversations about how to prevent that and how do

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 we provide the right interventions for young
3 people at the school level to do that. And I'm
4 thinking that -- and we're not going to get to
5 this one yet. We'll do that piece after Brandon's
6 chapter.
7 MR. WILLIAMS: How are y'all doing
8 today?
9 AUDIENCE MEMBER: Good.
10 MR. WILLIAMS: My name is Brandon
11 Williams. I currently attend the GED center on
12 Derider. I'm a member of Union Local 915. Due to
13 my past number of past school years, I could not
14 attend school when I wanted to, so I left for a
15 couple of months.
16 The school I first -- the school I
17 first went to was Edison. During the 2006-2007
18 school year, the school was not the best. We had
19 fighting and drugs, guns, cops using brute force
20 on students. I got into a fight with one of the
21 students there over a miscommunication that spewed
22 into a fight. The problem with this was that the
23 witnesses who saw the fight said that I had
24 something to do with it and they framed me and I
25 was suspended for five days. I never went back to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Edison.
3 After that, I -- after that
4 suspension -- it really wasn't the only reason why
5 I was suspended -- why I decided to leave. The
6 school wasn't working for me. I couldn't get the
7 education I needed due to all the distractions,
8 such as: Students throwing objects in class and
9 assaulting teachers. There was also numerous
10 altercations in the classroom, and I constantly
11 had my guard up because I thought I might become a
12 target.
13 Next, I went to Overbrook High
14 School in West Philly. There was a security door
15 in the front part of the building where I had to
16 take all my belongings through a scanner and walk
17 through the metal detector. This was frustrating
18 to me because I felt like a prisoner without any
19 rights.
20 In addition to the security, if
21 you was late, you had to stand in the late room
22 for 15 or 30 minutes, which meant you would miss
23 your first period class. In this late room, you
24 had to stand in a square about the size of a high
25 school desk. This had been taped to the ground

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and your bags had to be between your legs. If you
3 talked or stepped outside the square, you had to
4 stay in the late room longer.
5 At this school, their policies
6 were never communicated to the students. For
7 example, one day, when I went to school, they took
8 my phone, saying that there was no electronics
9 allowed in the building. I didn't know anything
10 about this policy. I asked if I could get my
11 phone back, nicely, but they assaulted me and
12 shoved me away.
13 This made me angry at all the
14 security guards at the school and changed my whole
15 view of school, period. I felt as though I didn't
16 belong in school. I felt like a celled person. I
17 felt as though I was different from all of the
18 other kids and I had to take all of my stuff, put
19 it through a scanner and walk through a metal
20 detector. I felt trapped. School isn't supposed
21 to feel like that. I started to become
22 disrespectful towards my teachers, our principals
23 and I'd get sick of class and leave the lunch
24 room.
25 Next school I went to was a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 charter school downtown called Freire. By the
3 time I got there, I didn't like school, period.
4 You could get your education there and everything
5 like that, there was no fighting going on or
6 nothing like that, and I knew that the work they
7 gave, I could do it, but the only thing was, they
8 tested me too much. Half of the tests I passed
9 and the other half I failed.
10 Something clicked in my head one
11 day and said, "Brandon, you need to leave school."
12 I didn't like school because of the uniforms,
13 lining up in the class waiting to leave, standing
14 in line for lunch, I felt too old for that. I
15 finally decided to take a couple months off of
16 school because I could not deal with the same
17 boredom and lack of interest and sit in
18 overcrowded classrooms. School was too much like
19 jail, so the only option I had was the streets.
20 But all this was small compared to
21 what I really wanted in life. I wanted to make
22 enough money to invest in a small business and
23 turn it into a lucrative establishment, but I
24 couldn't get that without school.
25 I decided to get back into school,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 but this time, it had to be different. I wanted a
3 school that was going to fit my needs so I could
4 graduate quickly because by now, I was one to
5 two years behind. So I went to an alternative
6 school down in Kensington called El Centro de
7 Estudiantes.
8 I spent one year there and that
9 one year, it was cool, for the most part. I was
10 cool with everybody there. I was doing projects,
11 papers, just like a regular school, but it was
12 slightly different. The problem with this school
13 was that they said I was supposed to get my
14 diploma in a year, but it really was a setup
15 because it turned out to be a lot more. It was
16 like they set me up for failure.
17 As soon as we got into the
18 exhibitions, the teachers threw a lot of extra
19 work in my face that I knew nothing about. It was
20 the first year of school, so everything was
21 disorganized. Nobody knew where they were in
22 terms of credits. At the end of the year, I went
23 to see how many credits I had, but I didn't have
24 sufficient credits. Actually, I had none at all.
25 So I left El Centro.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I decided to go to the GED
3 program, due to a couple friends and counselors,
4 and when I went there, I liked it. I liked my GED
5 program. There was no bars, no boundaries. I
6 ain't got to worry about security guards, nothing
7 like that. I finally could do what I needed to do
8 and had more freedom.
9 (Applause.)
10 MS. CLARK: Thank you, Brandon.
11 David, do you have, also, some
12 statistics that you want to talk about with
13 respect to why kids leave school?
14 MR. LAPP: I think, actually,
15 Brandon might be as qualified to give those
16 statistics as I am, but what the Youth Action for
17 Change is doing some work right now on studying
18 the school district of Philadelphia's zero
19 tolerance policy, and they've collected a lot of
20 data.
21 And just a couple of things that
22 stand out that I'll mention --
23 (Cell phone interruption.)
24 MR. LAPP: You can tell them I'll
25 call back. I'm sorry.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 -- is that the amount of money
3 that we're spending is sort of telling as far as
4 how we're dealing with school discipline. I was
5 struck by Courtney's statistics there that, you
6 know, a lot of the issues that students have are
7 family related, but I was actually struck more by
8 the huge percentage of those that aren't family
9 related, that are, if you add them all up, they're
10 all school related. And those are the things that
11 we actually have the power to control, and so
12 there's a lot of influence that schools can have
13 on whether or not students stay in school.
14 YAC has shown that the district is
15 spending, you know, roughly ten times as much
16 money on school security type of things -- school
17 police officers, school security officers, metal
18 detectors, cameras -- than they are on preventive
19 type of measures -- school psychiatrists, school
20 psychologists, counselors, social workers. And
21 that's one of the things that sort of shows us
22 where our priorities are and, yet, there's not any
23 data that shows that those tactics actually work.
24 So maybe I'll save for a later
25 discussion, some evidence of some tactics that do

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 work. But that's one of the things that's fairly
3 striking is that the amount of money that we're
4 spending on our schools on punishment and reacting
5 to school safety incidents is a lot higher than
6 the amount of money that we're spending to prevent
7 those things.
8 MS. CLARK: Let's just spend
9 another minute on what you referred to a minute
10 ago, which is the zero tolerance policy. Is there
11 a policy, and what is it, and what is its effect
12 in schools and particularly on the dropout rate?
13 I know that you began to address that in your
14 previous answer, but let's just talk a little bit
15 more about the zero tolerance policies. Is it
16 needed? What do we do about the horrific violence
17 that we've seen around the City?
18 MR. LAPP: There's a couple of
19 different zero tolerance policies. One of them,
20 at the State level, is a statute that we refer to
21 as Act 26 that mandates schools to expel students
22 for a year if they bring a weapon. That law also
23 broadly defines weapons to guns, of course,
24 knives, of course, nunchucks made it into the
25 statute, and then it also has this catch-all

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 provision that says, "any other implement capable
3 of inflicting serious bodily injury."
4 Of course, if I could find my pen
5 I could show you that, of course, would fit that
6 definition of something capable of inflicting
7 serious bodily injury. And, indeed, we do see
8 countless intakes of kids that are getting
9 suspended, transferred into charter schools and
10 expelled for things that we traditionally wouldn't
11 think of as weapons: Eyebrow trimmers, scissors
12 are a big one, and then we do often see pens and
13 pencils when they are used for things.
14 However, we often see things that
15 aren't used for things that -- that aren't used in
16 sort of violent ways that kids are getting
17 expelled for or suspended for. Even -- and the
18 other part of that law that is important to note
19 is that there's no intent requirement there. So,
20 in other words, it's possession alone, and you
21 don't even have to intend to possess it,
22 theoretically.
23 In fact, just this morning I was
24 at a hearing for a student who walked through a
25 metal detector at Kensington Capa and the metal

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 detector went off, and she was surprised and she
3 opened her bag and, lo and behold, there was a box
4 cutter. And she had no idea it was there, but she
5 did know that her boyfriend uses a box cutter for
6 work and put it in there and that he -- that it
7 must have come from him. Sure enough, talked to
8 him and it -- she was at his house the night
9 before and the only thing that could explain it is
10 that it fell in.
11 This sounds like an incredibly
12 unlikely story. Right? Sure, it just fell in
13 there. But when you -- and, indeed, when we go to
14 the hearing, the hearing officer isn't hearing
15 that, but when you dig a little deeper -- and
16 that's what zero tolerance is, right? Zero
17 tolerance is: We don't ask questions. We don't
18 ask about intent. We just say this happened and
19 this is our automatic response, which that
20 automatic response is that she gets to
21 disciplinary school while she waits for a month or
22 so for her expulsion hearing, at which time she is
23 mandatorily -- the law says they have to be there
24 until 12th grade.
25 There is a provisional law that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 says that the superintendent can make exceptions
3 on a case-by-case basis, which that part gets
4 often times forgotten by schools, that they
5 actually do have the authority to make an
6 exception.
7 In any case, you know, we don't
8 know what's going to happen with this hearing this
9 morning. She had testimony from lots of people
10 that were -- you know, she, herself, said, "It's
11 not like I would have gone though the metal
12 detector if I had known I had this in my bag.
13 Obviously, I didn't bring it for that reason.
14 There was no one I had any conflicts with.
15 She's had some -- she had a
16 compelling story of significant behavior problems
17 in the past and an incredible turnaround since
18 she's been working. She was a student at
19 gentrified again, and Kensington Capa gentrified
20 High School.
21 Anyway, nobody knows what the
22 hearing officer is going to do, but it's more
23 likely that it's going to be zero tolerance, part
24 two, which is the district's zero tolerance
25 policy. Now, the district has probably had a zero

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 tolerance policy for a long, long time. Every
3 single administrator comes in and announces a new
4 zero tolerance policy. So the newest zero
5 tolerance policy went into effect in 2008. Dr.
6 Ackerman announced -- sent a letter to all
7 students saying that anything violent, anything
8 with weapons, anything with drugs, zero tolerance,
9 you're going to get expelled for a year.
10 And so that's in effect and,
11 indeed, when we go to these hearings, the hearing
12 officers themselves say, you know, this happened
13 -- they won't say it officially, that they don't
14 have any discretion because there's supposed to be
15 discretion, but that's how they seem to act.
16 So -- and schools themselves -- one of the things
17 that -- I'm sorry, I'm going on too long here, but
18 one of the things that the hearing officers say
19 is, "Well, the school recommended this." And it's
20 sort of a really terrible argument because the
21 schools have no choice. That's what the policy
22 is. The policy is the schools have to -- the
23 principal has to recommend the transfer to a
24 disciplinary school, so there is no discretion.
25 That, we know for sure, and the hearing officers

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 themselves seem to act like there's no discretion.
3 I'm not sure if I got to the
4 answer to your question, but, yes, I think the
5 answer is that there is zero tolerance in the
6 School District of Philadelphia.
7 MS. CLARKE: I'd like to hear
8 Kay's perspective on zero tolerance. Do we need
9 it? We do have terrible instances of violence in
10 the City, in schools, and what should we be doing?
11 MS. KYUNGSUN YU: Thanks, Jenny.
12 Before I get to talking about some
13 reflections on zero tolerance, let me just give a
14 backdrop as to how I've become involved in the
15 issue, and it really is not based on any
16 background in education. I spent 17 years in
17 private litigation as an attorney, and the work
18 that I've done as chair of the Philadelphia
19 Commission on Human Relations -- as you
20 mentioned -- we are conducting a series of 11
21 public hearings that are taking place throughout
22 this year. We just had our eighth hearing on
23 Tuesday.
24 And the first thing I would like
25 to do is invite Brandon to share his story with us

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 because that's really the intent of these public
3 hearings, is to invite concerned residents,
4 students, anybody involved in our public school
5 system to come share their stories, both about
6 acknowledging the problems that exist, and looking
7 towards being part of the solution as well.
8 So to be specific, the Commission
9 on Human Relations enforces the antidiscrimination
10 laws in the City. So the Fair Practices Ordinance
11 says that employers and in housing, in public
12 accommodations where our schools are a part of
13 that, that you cannot discriminate on the basis of
14 race, ethnicity, religion disability, sexual
15 orientation, gender identity -- and I'm not sure
16 I'm missing some of these, but that is what we are
17 concerned about. So our hearings really are based
18 upon the sort of intergroup relationships and how
19 we can improve on those.
20 The other way that I've been
21 really involved with sort of a community
22 engagement is through the Task Force on Racial and
23 Cultural Harmony. And that is a task force that
24 was constituted by the superintendent and the
25 School Reform Commission, and we presented our

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 final report a week-and-a-half ago or so. But I
3 just wanted to let everybody know that those
4 materials are available on-line. So if you go to
5 www.PhilaSD.org/harmony -- not to be confused with
6 eHarmony, but they're -- it's the final report
7 that's a compilation of a number of dialogs that
8 occurred throughout the school district.
9 And so one of the topics -- so
10 everything that, really, I'm going to share are
11 really reflections that have come through both
12 putting the reports together, out of conversations
13 that, really, concerned engaged community members
14 had with schools in that context with site visits
15 and also through things that I've heard through
16 the public hearings.
17 So with that very long
18 introduction as to how I have been involved in
19 what I will be speaking to, with respect to the
20 zero tolerance policy, what are the issues that
21 has emerged through discussion about that and in
22 some other positive ways?
23 Again, I really commend Brandon
24 for being here and sharing his story because it's
25 very, very important that students have the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 opportunity to be engaged and that the -- that
3 they have a voice. And that has come through over
4 and over again, that we really need to engage
5 them. I'm really proud of you for coming here
6 and, you know, talking about your personal
7 experience because that is so much of why we're
8 all here.
9 So that is something that's coming
10 through and part of the zero tolerance policy, as
11 David was just describing, is that there is -- you
12 know, once there is a determination that some
13 event occurred, there really is no discretion,
14 there's no further examination of the situation.
15 And some of the things that have been discussed
16 are that there can be peer mediation programs or
17 victim witness conferencing that can be employed
18 and is sometimes and in some schools, but there
19 clearly are schools where this is not taking place
20 and that we really are losing out on an
21 opportunity to really engage the students in a
22 discussion among themselves to really sort of
23 break through the barriers and isolation that
24 comes out through various mechanisms and that if
25 we bring together students and everybody else as

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 part of the community and have this discussion,
3 that's part of the solution.
4 MS. CLARK: Do either of the rest
5 of you have any thoughts on this?
6 MS. SHAPIRO: Like 60 seconds or
7 less, right?
8 One of the things, too, about zero
9 tolerance, it's like we've created almost an easy
10 out for schools to say it's black and white, do
11 this, then this and not have to think about it.
12 And so we're finding these schools that will trash
13 these kids's critical thinking and we're not
14 allowing adults critical thinking.
15 When a five-year-old brings
16 fireworks in a backpack, really, the five-year-old
17 is not trying to set the school on fire, but
18 there's perhaps something wrong at home and we're
19 not getting an adult's account in how to
20 investigate what's actually going on in the life
21 of this child, what's leading to the behavior and
22 we really need to consider how our policies set
23 those types of behaviors up with adults.
24 But the other piece of
25 zero-tolerance in the school district is that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 zero-tolerance means you're out there going to a
3 disciplinary school. We will talk about this
4 later. It's sort of, then, what is the condition
5 of alternative ed? If a young person really does
6 need to be in a different setting, something's not
7 working for them there and the zero-tolerance
8 provision triggered some sort of action, are we
9 providing them with a truly positive alternative?
10 Because there may be a way -- and
11 again, does it really work for a student like
12 Brandon, who's been in five or six different
13 school settings? Something's not meeting his
14 needs. There's clearly a school out there, and
15 maybe the GED program that he's in now is it, but
16 there's something that's a match for what he
17 needs, and he can probably articulate that better
18 than anybody else. But we clearly aren't
19 providing that as a school district. We're
20 turning back to the law and saying, let's put him
21 here, let's do this, let's give this option, and
22 nothing's working.
23 So we really need to be able to
24 talk more about alternatives or how that's
25 working, but if we're going to zero-tolerance, we

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 need to think about the other end. What are we
3 providing these young people with, and is it
4 really rehabilitative and is it really for the
5 educational experience for those kids?
6 MS. CLARKE: Let's just go there.
7 Let's talk about what happens to kids when they
8 leave school. And there's a couple different
9 pathways that, as I understand it, are
10 administered by completely different parts of the
11 school district.
12 And so, Courtney, why don't you
13 first talk about the re-engagement centers.
14 MS. SHAPIRO: Okay. So there are
15 two re-engagement centers in the City of
16 Philadelphia, and nothing I mentioned is sort of a
17 panacea. It's like they're options, right? So
18 re-engagement centers, there's one at Broad Street
19 and there's now one in northeast Philadelphia.
20 These are intended to be those sort of drop-in
21 centers where young people can come in and come
22 back to school. As I mentioned, there are 2600
23 young people every year coming through the doors,
24 but the numbers you see here are who's actually
25 leaving school.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 So every year, in grades seven
3 through twelve, in Philadelphia, 8,000 young
4 people are choosing to drop out of school. Take a
5 couple months off, just disappear. Another 5,000
6 students are missing school more than half the
7 time. So they're missing 90 or more days of
8 school, so all of our data shows they will
9 eventually drop out. They're simply dabbling in
10 school at the moment. So you're talking about, at
11 any given time, 13,000 students in every year that
12 adds up to students who are out on the street, not
13 in school, not employed. This is a big problem
14 for Philadelphia. So even if I say 2600 are
15 choosing to come back every year, that's the tip
16 of iceberg in terms of who's out there.
17 And the kids we're not
18 addressing -- because those are the kids who are
19 actually out -- what about all those kids who are
20 in schools, like Brandon, when he was at Edison or
21 Overbrook where that's not the right fit? And
22 what is the compliment of options for him to chose
23 another school? It's really very difficult.
24 I put on here grade ten. So grade
25 ten is the average school year in which young

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 people drop out, but the average age in which they
3 drop out is almost 18. So people need to
4 understand this, once kids hit high school -- sort
5 of K to eight, this is very hard and fuzzy, but
6 you just keep moving on. You can't read, but you
7 keep moving on, keep moving on.
8 You get to high school and now
9 it's about credits. Have to pass Algebra I. Have
10 to pass World History. You start failing classes
11 and you start not moving ahead. So you end up
12 like Brandon where you're in school a whole year
13 and, at the end of the year, you don't realize it,
14 but you have no credits. So you functionally just
15 wasted a year and you made no progress.
16 That's really disheartening to
17 young people when, all of a sudden, they wake up,
18 they're 18 and they're still in the ninth grade.
19 So that's the huge issue, the kids who are the
20 vast majority of the young people, almost 18,
21 effectively still a ninth grader. At that point,
22 it's like, I'm never going to get out of high
23 school.
24 Racial disparity. So, again,
25 who's leaving? There is absolutely a problem.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 It's disproportionately in favor of
3 African-American and Latino young people dropping
4 out and, in particular, males. But I will say
5 that this is everyone's problem. No more than
6 71 percent of any ethnic group graduates high
7 school in Philadelphia. So it's not like all the
8 white kids are graduating, all the Asian kids are
9 graduating, but no one's graduating. But the
10 African-American males and the Latino-American
11 males are really struggling. This is a huge
12 city-wide epidemic.
13 And then it says "special
14 populations." A lot of times we talk to those
15 unfamiliar with the issue of dropout and they'll
16 say, "Oh, it's just the bad kids. It's those kids
17 who get in trouble or they're in jail or it's the
18 pregnant moms." So we really looked at the data
19 in Philly over a six-year span and said, well, is
20 that the majority of the kids who drop out?
21 And if you flip to the next slide,
22 what this effectively tells you is, yes, those
23 kids are dropping out at a higher rate, but they
24 are not the majority of the kids dropping out.
25 About a third of the kids come from these four

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 groups, so, basically, DHS involved -- abuse or
3 neglect, foster care kids, juvenile justice kids,
4 teen moms -- a third of the kids. The other
5 two-thirds don't have any of these factors. But
6 if we go back to the early warning, by noticing
7 one of these situations, I've got a really big red
8 flag that I think this young person's not going to
9 finish high school. So it gives us some data to
10 be able to say I've really got to start working
11 with that population.
12 Particularly what really brings
13 people out is the juvenile justice people came out
14 and said that once a young person is involved in
15 the juvenile justice system, only ten percent will
16 get a diploma. You don't have to start to wonder,
17 then, what happens in terms of how to create a
18 pipeline out of education and into prison, and
19 that's really not what we want to be doing.
20 So this -- we try to use this data
21 to say all of the kids are not the kids that you
22 think they are that are dropping out of school.
23 Two-thirds of them are just regular kids.
24 Something else is going on in school or at home.
25 And I'll just save this for a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 later piece. But that was just sort of a frame of
3 who's leaving and, David, you're going to talk
4 about alternative ed.
5 MR. LAPP: One of the things
6 that's interesting is that, in Philadelphia, we
7 use the phrase "alternative schools," and we --
8 that refers to a broad range of things in
9 Philadelphia. We talked about Multiple Pathways,
10 the re-engagement center, night schools. We've
11 got a host of different options for students in
12 Philadelphia.
13 In the rest of Pennsylvania, when
14 you talk about alternative schools, you're talking
15 about alternative education for disruptive youth.
16 You're talking about disciplinary schools. And,
17 in fact, those, of course, are like a lot in
18 Philadelphia, too, we have thousands of students
19 in those schools, and so we -- in your materials,
20 there's a report that we did at the Educational
21 Law Center very recently where we studied what's
22 been going on with those schools, particularly
23 looked at the legal framework for what's happening
24 in the schools. And I'll talk a little bit about
25 some of the recommendations that we made, but

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that's where we see a lot of kids who are
3 suspended going.
4 And one thing I wanted to make
5 sure I mentioned before we get there is: The use
6 of sort of punitive disciplinary practices is on
7 the rise. It's not just in Pennsylvania. It's
8 nationwide. It's a trend. It's rather stunning.
9 In the last ten years, in Pennsylvania, the number
10 of out-of-school suspensions has almost tripled
11 from what it was in 2000. Same thing is true with
12 arrests, school-based arrests; in other words,
13 police arresting kids for things that happened in
14 school, we're seeing that more than double in the
15 last decade. And so we're seeing a shift in
16 how -- and, you know, this is not every school, of
17 course. There's many schools that do fantastic
18 work at dealing with these things, but there --
19 and it is a cultural shift in how we deal with
20 this.
21 An organization in DC called The
22 Advancement Project published a report called,
23 "Test, Punish and Push Out," and it drew a line --
24 a connection between what we see in zero-tolerance
25 disciplinary practices to what we see in high

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 stakes testing and how those both come from sort
3 of the same root of cracking down on kids. And so
4 we're seeing this as we're seeing kids being --
5 we're targeting kids for these problems, we're
6 seeing schools getting -- resorting to this and,
7 in fact, there's some reverse incentives in both
8 those high stakes polices to push kids out that
9 are difficult, to push kids out that are getting
10 low test scores, that are making it difficult for
11 you, as a teacher, to teach other kids. I've
12 taught for nine years. I know very well how
13 difficult that can be. But where the problem with
14 that lies is that suspension hasn't -- doesn't
15 help.
16 There's a study done by a guy,
17 Russ Skiba and Dan Losen -- he's from -- Dan Losen
18 is from UCLA and Russ Skiba's from Miami
19 University -- studying, you know, the impact of
20 suspensions, and there's a couple of striking
21 things. The first thing, of course, speaking of
22 disproportionalities is that even -- that black
23 males are punished disproportionately more severe
24 for the same offenses. Even -- even -- in other
25 words, this is not explained as proportionality,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 it's not explained entirely by just behavior. The
3 disproportionality is greater than -- the
4 punishment disproportionality is greater than the
5 behavioral disproportionality.
6 Another one of the things that
7 they found is that suspension -- out-of-school
8 suspensions -- I know this is going to shock
9 you -- but they don't improve behavior, and that a
10 huge proportion of those suspensions that we see
11 the increase for are for things like truancy,
12 things like dress code, things like lateness to
13 school, and then, also, repeated disruptions from
14 class, things that are all definitely disruptive
15 to a class, but of course, it would be difficult
16 to imagine how out-of-school suspension would help
17 kids who already are truants. Seems like kind of
18 a perverse type of a thing to do to a kid who's
19 not coming to school to tell them that they can't
20 come to school. But -- so, we're seeing this
21 impact happening greater on students of color, but
22 we're seeing an increase for students all around.
23 But one other thing I just wanted
24 to point out is that, of course, when students are
25 dropping out, as you mentioned, they're more

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 likely to enter into the criminal justice system.
3 So that phrase Courtney earlier mentioned is
4 talking about the tie between policies that have a
5 tendency to push kids out and those that are in
6 prison, they call it like school's prison and, of
7 course, they're already there.
8 MS. CLARKE: David, before I ask
9 you to talk a little more about alternative
10 schools, let's hear from Courtney about the
11 Multiple Pathways schools, because I think what
12 you'll be struck by is, even though they're both
13 for kids who've been out of school for a reason,
14 the difference in the quality and concept.
15 MS. SHAPIRO: Brandon had
16 something to add before we do that.
17 MR. WILLIAMS: I just wanted to
18 give a little bit of feedback on what Dave said
19 about the alternative schools and everything like
20 that. He was actually right about the school
21 district bringing out different rules and stuff
22 like that and getting kicked out of school for
23 little stupid stuff like that because I got to
24 admit, like, that stuff -- most of that stuff, it
25 happened to me. The schools I've been to, I was,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 like, pushed out of school for, like, not
3 returning stuff, seriously. I just wanted to make
4 that...
5 MS. SHAPIRO: All right. So we're
6 going to chat briefly, and that's the last slide
7 that's up there, which is sort of the -- we think
8 of it as alternative ed, but alternative ed means
9 discipline in the State, so we changed the name to
10 Multiple Pathways, like they did in New York, so
11 we could try to get people to understand it's a
12 pathway back.
13 So what exists in Philly now? So
14 you see the box on the right, it says
15 "nontraditional." So this is where you create
16 nontraditional schools for young people who need a
17 different kind of option. So there's things
18 called accelerated schools. Those are schools
19 that are supposed to speed up the pace with which
20 you attend school. It could be year-long school,
21 it could be half-day programs for pregnant parents
22 and teens. You have a lot of lag between those
23 two different things. Proficiency-based learning
24 is some of the students who learn better using
25 technology. And so we're really trying to meet

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 students where they are.
3 Gateway to College is a program
4 the City has which is basically a dual enrollment
5 program, meaning if a young person tested at the
6 eighth grade level when they come to us, that they
7 can go immediately to community college and the
8 classes that they take at community college will
9 count as their high school credits, so they'll be
10 earning their high school diploma and their
11 associate's degree at the same time, which is an
12 awesome program.
13 The challenge in Philly is that 85
14 percent of the kids who come back from dropout
15 can't pass the test because they're reading below
16 an eighth grade level. The average reading level
17 and math level for dropouts in Philly, according
18 to us, between the ages of 15 to 22, is seventh
19 grade. So we have lots below that and a few above
20 that, but it is a huge literacy gap in the City.
21 GED preparation. Here, we're
22 talking about what we're involved in over at the
23 E3 center and in the GED preparation course to
24 pass the GED as an option for young people.
25 Our educational options is what

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 people think of as night school. So for different
3 people's frame of reference, a lot of young people
4 when they say "financial need," they have to go to
5 work when they're 15 and 16 years old to help
6 support their families. Poverty in the City is
7 growing, it's real, and so they're going to work
8 during the day and go to school at night.
9 And then we have programs inside
10 the schools where we're trying to prevent the tide
11 of dropout. You have some folks in the room from
12 Philadelphia Education Fund and they just got a
13 big grant from the federal government through the
14 Innovation Fund to pilot what's known as the NOW
15 Project, which is really an early intervention
16 program in the middle and high schools to try to
17 target the kids who are at risk, keep them
18 engaged, keep them in school, and get them to
19 their diploma.
20 There's also traditional pathways.
21 In some cases, for young people, it's an advocacy
22 issue. So kids come to us and say, "I went back
23 to Overbrook. They won't let me in." Sort of
24 like dirty secrets (inaudible.) The dirty secrets
25 of the district. So, you know, there are a lot of

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 high school folks who just don't want to deal with
3 the 18-year-old who's coming back. They pull out
4 the transcript and they see ninth grade and
5 they're like, oh, we don't want to deal with that.
6 So they pull it up and they say, "Oh, you can get
7 in disciplinary school." So it's the broad paint
8 brush, you just must be bad. So they tell them,
9 "No, you know, we withdrew you before. You've
10 been out of school ten days. You can't come here
11 anymore. You got to go somewhere else."
12 The reality is, free public
13 education in Pennsylvania means, no, until they're
14 21 years old, they can't lock the door. They have
15 an obligation to educate them. But a lot of our
16 young people will not come to the door, or their
17 families, for that matter, armed with the
18 knowledge that they can advocate for themselves
19 and say, "No, if this is my neighborhood school, I
20 really do get to go here and you need to find
21 classes for me and it's your job to educate me."
22 Now, the flip side to that is, do
23 they really want to be there as opposed to the
24 "box A, let's create nontraditional alternatives"?
25 But we have to do a better job of educating our

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 school personnel that it's not okay to mess around
3 with kids's lives and tell them that they come to
4 school and that the young people and their
5 families need to know their rights in terms of
6 what the district is legally obligated to provide
7 them in terms of an education.
8 And then the big piece I'll say
9 here, which there's actually a huge gap in Center
10 City. I mentioned the literacy gap. The biggest
11 issue you have is, ultimately, kids have to pass
12 the classes. When we get to high stakes testing
13 in the State that matters for graduation we have
14 the content courses. If I don't pass the algebra
15 course at the State level, I don't graduate from
16 high school. You have kids who cannot do that
17 work, and there's no way to teach ninth grade work
18 to a fifth grade reader. I'd love to say there
19 is, but there's just no silver bullet for that.
20 So we have to create these bridges
21 for answers and the City just doesn't -- nor wants
22 to figure out who's paying for that. Right? The
23 City says we'll pay for literacy for adults. The
24 school district says, "We do school; we don't do
25 the literacy." You know, everybody's punting on

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that. And there's no money. When you get a ninth
3 grader who's, you know, reading at a fifth grade
4 level, there's no resources anywhere you can just
5 tap into and say, this is what I should be doing
6 with this young person. But you can't just put a
7 young person who can't read in their grade
8 appropriate curriculum and expect they're going to
9 succeed. And so this is a place where we're
10 trying to figure out how to build those options,
11 but there just aren't a ton of them right now.
12 It's something that they're working on. So that's
13 sort of the other landscape beyond the sort of
14 alternative discipline.
15 And so I'll say, probably a
16 quarter of the kids who come into these options
17 are kids who drop out of discipline schools, so we
18 take them back in the other way when they have
19 kind of had it on that side.
20 MS. CLARKE: So we've got all
21 these great programs for re-engaging kids. How
22 about the alternative schools? Talk to us about
23 the program, David.
24 MR. LAPP: Well, last week I got a
25 call from a parent and -- from a school in Western

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Pennsylvania -- a school district in Western
3 Pennsylvania. And she said, you know, "Help me.
4 My son was sent to this alternative school and
5 they're not doing anything." "So tell me, what
6 are they doing?" She said, "Well, his first day
7 there, it was the security guard that stayed with
8 them for the entire day, and it was all kids from
9 grades 7 to 12 in one classroom, and it was taught
10 by the security guard. And the first day, they
11 watched Ferris Bueller's Day Off."
12 (Laughter and groans.)
13 MR. LAPP: "And the second day,
14 they watched Hot Tub Time Machine."
15 (Groans.)
16 UNIDENTIFIED SPEAKER: Oh, God.
17 MR. LAPP: Now, this is a pretty
18 extreme example, but a real example and,
19 unfortunately, all too common of what we see in a
20 lot of these disciplinary schools.
21 There are some -- apparently,
22 there are some fantastic ones that are in the
23 State of Pennsylvania. And to its credit,
24 Philadelphia actually has -- it's had a history of
25 some really terrible ones and it has made some

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 improvements over the last number of years, we've
3 some better programs in some of those schools.
4 But one of the problems is just
5 that, that the legal structure allows for that
6 wide range of quality in what we see in those
7 schools. So some of the things that we're seeing
8 problems with in -- with alternative schools --
9 and we say "alternative schools," I'm talking
10 about disciplinary schools. One of those issues,
11 they're called "Alternative Education For
12 Disruptive Youth Programs," which implies that
13 they are programs within a school and a lot of
14 schools tend to think that, well, they're not
15 actually schools, even though they might have
16 their own physical structure and different staff
17 and they have a traditional school building, they
18 still consider them to be programs, which means a
19 couple things legally that they think that they
20 don't have to do, such as reports that they think
21 they don't have to do.
22 And the legal structure also
23 says -- so a couple problems I see with them.
24 First of all, it's overbroad who can be sent to
25 one. There's no question that there are students

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that probably should not be in the regular school
3 environment, that need a different kind of
4 environment for them. But we see too often -- in
5 fact, the majority of kids in these schools are
6 not those kids. The majority of the kids are kids
7 that are sent there for repeated low level
8 offenses. The law allows kids to be sent there
9 for truancy. It allows them to be sent there for
10 repeated offenses. It allows them to be sent
11 there for anything that could be a suspendable
12 offense under a Schools Code of Conduct, which
13 could be basically almost anything.
14 Now, the guidance from PBE says it
15 has to be to a marked degree, the behavior has to
16 be to a marked degree, it has to be to a last
17 resort. But one of the problems with the law is
18 that there's no accountability for enforcing that.
19 To be placed in alternative school, you have to
20 have a hearing. And at that hearing, they have to
21 determine that you are a disruptive student, that
22 you fit one of those criteria. If you lose that
23 hearing, you're done. There's no right to appeal
24 that hearing. You can't go to the Courts and say,
25 I wasn't a disruptive student, or this hearing is

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 wrong, or they didn't have any evidence, or that
3 all the evidence was based on hearsay or whatever
4 you might do on a traditional appeal, because the
5 Courts have told us that there is no right to
6 appeal the transfer to a disciplinary school
7 because it's still a school, they say. You're
8 still being provided a school. So one of the
9 problems is how kids are being sent there.
10 Another one of the problems, of
11 course, that we've already mentioned is there's
12 huge disproportionalities in who's being sent to
13 these schools. Too many African-American kids are
14 being sent there. Too many boys are being sent
15 there. Too many kids with disabilities are being
16 sent there.
17 And one of the things that's
18 interesting is that, you know, in the -- I'm not
19 an expert in the IEDA. I am shuddering to talk
20 with Sonya Kerr in a minute. But there is, in the
21 law, that before a kid can be disciplined for
22 something, you have to show that it was not --
23 what they did was not a manifestation of their
24 disability. And so based on that -- that's just
25 my little argument with alternative schools and I

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 want you to think about that -- but that should
3 mean that you shouldn't have any over
4 representation in alternative schools. Right?
5 Because kids shouldn't be there unless it's
6 something not connected to their disability, and
7 that should mean they're no more likely to be sent
8 there than any other kid. So that's one of my pet
9 peeves with this, is that kids with disabilities
10 are severely over represented by -- there's about
11 15 percent of our school population, kids have
12 IEP's in Pennsylvania, but about 30 percent of the
13 kids in alt ed programs have IEP's.
14 MS. SHAPIRO: Get right back to
15 me. In Philly -- there are alternative discipline
16 schools in Philly where they're fully 40 percent
17 of the young people are special education
18 students. And you must also know in terms of
19 funding, the district funds and resources the
20 seats in those schools are at the same dollar
21 level as regular education.
22 So, for instance, in a charter
23 school, you get $10,000 for a regular kid and
24 $18,000 for a special ed kid, and that's what the
25 district gets. They're only paying 10- for any

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 kid in a discipline school, regardless of whether
3 they're regular ed or special ed. So if you're a
4 school with 40 percent special ed kids that have
5 real disabilities and you're getting resourced at
6 the regular ed rate, it's going to be really hard
7 for you to provide an appropriate education.
8 MR. LAPP: Which really goes to
9 the whole quality of the program that's happening
10 there, specifically for kids with disabilities,
11 because we hear stories all the time about kids
12 that are not being -- that are being denied the
13 services that they're entitled to, like their IEP,
14 or they're not getting their IEP updated or
15 followed at all.
16 And it also -- the legal structure
17 allows some other things that are really strange
18 with those schools. You would think that if the
19 kid's a behavior problem, the kid's disruptive,
20 that probably means that that kid needs more, that
21 kid needs more intervention from us as
22 professionals and schools, but that kid needs
23 probably -- usually, when kids are behaviorally
24 struggling -- not always, but often times they are
25 academically struggling as well, so they probably

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 need greater academic instruction. Unfortunately,
3 the law actually allows for less in these
4 alternative schools than in a regular school.
5 So in a regular school, it
6 averages out to about 27 hours a week of
7 instruction that a kid gets. In alternative
8 schools, the State Department of Education --
9 actually, the law doesn't say this. It's the
10 Department of Education has interpreted the law to
11 say that you only have to provide 22 hours --
12 22-and-a-half hours a week, and then
13 two-and-a-half of those hours are for counseling.
14 So, really, you're only getting 20 hours of
15 instruction. So there's something wrong there
16 with that problem -- with what's the legal
17 structure in that particular regard.
18 Just a few other --
19 MS. CLARKE: David, I'm going to
20 cut you off because --
21 MR. LAPP: Okay. Too wordy?
22 MS. CLARKE: -- I want us to
23 get -- no, it's fascinating, and I could actually
24 listen to you all day, but I want to make sure
25 that we get to the answers. Because we've heard a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 lot about some really terrible statistics and
3 terrible situations, but what I'd like each of the
4 panel, starting with Kay, to do now is give us
5 your top one, two, three or five steps that should
6 be taken to improve the dropout rate or at least
7 improve the education of kids who are at risk for
8 dropping out.
9 MS. KYUNGSUN YU: This has been a
10 really incredible day for me, not only listening
11 to the panel here but to hear everybody talk about
12 such a broad array of educational issues has been
13 incredible.
14 What I did realize, though, is
15 that there is remarkable similarity in the -- what
16 we hear all the time. So what I heard through the
17 public hearings, as well as through a lot of the
18 report from the task force, I think that we really
19 need to -- we have a pretty good road map based on
20 research and a lot of that was presented today.
21 But let me just give you my number
22 one issue; that is, to really focus on the
23 oversight, accountability, monitoring aspect of
24 all this, recognizing that we can't have a perfect
25 record on this. You know, creating a safe and

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 positive learning environment is one of the
3 challenges that we have to face every day. It's
4 the responsibility of the school district, but
5 very much a part of the community responsibility
6 that we owe our young people and because there is
7 so much commonality to the research and looking at
8 this, that I think we really should focus on
9 making sure that we have the accountability in
10 place to have the adults really be the ones who
11 are driving the positive change in every school.
12 And so I'm looking forward to talking more with
13 Dr. Simmons on how to maybe come up with that
14 agenda that's community driven.
15 MS. CLARKE: Brendan, do you want
16 to tell us what your top 1, 2, 5 things are that
17 we should...
18 MR. WILLIAMS: Well, I have two,
19 actually. I don't need five.
20 (Laughter.)
21 MR. WILLIAMS: I believe in
22 empowerment. That's basically, like, all school
23 staff, basically, like, okay, have more interest
24 in the students. Have a little more one-on-one
25 conversation with the student. And like,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 basically, like, guide that student through the
3 years, through his four years of high school, so
4 he can, like, have a better -- he or she can have
5 a better -- what do you say -- experience in
6 education. Also -- damn, excuse me, I forgot what
7 I had to say.
8 MS. CLARKE: If you remember, then
9 we'll let you come back.
10 MR. WILLIAMS: Okay.
11 MS. CLARKE: You can come back.
12 That's fine. That's fine.
13 MS. SHAPIRO: I have three. So
14 one is pay attention to the data that we have. So
15 we have all this data about early indicators, we
16 know who's being dropped out. Pay attention to
17 it. Create mechanisms to force schools to come up
18 with really good solutions to how they're going to
19 target young people at their earliest stages so
20 this doesn't happen.
21 Second would be to tackle the
22 literacy issue. And again, this is from a K-12
23 program, we used to go to three elementary schools
24 from the district. This year it's a charter
25 school. We did some benchmark testing with their

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 young people and 98 percent of our kids in grades
3 K-2 are exhibiting functioning at the very lowest
4 pre-kindergarten level. So it's as if they're in
5 second grade and just wasted three years in the
6 school system. Who's going to make up for that?
7 You'll never recover from that if we don't do
8 something about it.
9 A second grader should know their
10 ABC's. It's abysmal that a child could sit in a
11 seat for 180 days for three years and then not
12 know that. And that just exacerbates the problem
13 by the time they're 16, 17 years old. So figuring
14 out the stages when we have to target illiteracy
15 issues and help young people learn to read is so
16 critical.
17 And a third thing is around
18 funding, and I don't know if you can ever say
19 funding without accountability. I'm all for it,
20 if you're going to give me money, I'm going to be
21 accountable to doing with it what I'm supposed to
22 do.
23 But the State of Pennsylvania
24 needs to get serious about actually funding
25 resources in schools for at-risk kids. There is

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 zero incentive for school districts to bring young
3 people back from dropout. They are not paid for
4 in the way the funding formula is constructed. So
5 if I bring back 2600 kids this year, I get zero
6 dollars for those young people and I'm just
7 expected to educate them. So how do you wonder
8 why districts aren't really very motivated to
9 create these alternative programs that are really
10 functional? They're not getting any dollars to do
11 it, so it's actually a strain on their system to
12 welcome those young people back. It's like an
13 absurd disincentive to keep kids out of school.
14 The other thing on the funding is:
15 Really look at the equitable funding formula.
16 When the State did their equitable funding study,
17 they gave more dollars to young people who were at
18 risk. Young people with literacy needs, with the
19 social services needs, you need more money in the
20 school to do it. And again, I don't want to say
21 just throw the cash in the pot, but really hold
22 schools accountable. If we're going to give you
23 an extra couple thousand dollars for kids with
24 literacy issues or behavior issues, you should
25 document how you're spending it on those kids.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 But it is a real need. You can't do something
3 with nothing.
4 MS. CLARKE: David. And before
5 David starts, I do commend you to use the study
6 that the Educational Law Center did on alternative
7 schools and their recommendations. It's quite
8 good and quite detailed. But with that, David,
9 your pocket wish list.
10 MR. LAPP: Well, obviously,
11 there's a bunch of things I'd like to change about
12 alternative schools, but it would be great to just
13 prevent kids getting sent to them at all. And so
14 I'd love to see more put into preventive programs.
15 And there are two that sort of jump out that a lot
16 of people are talking about with a lot of
17 excitement in sort of the school discipline world.
18 And there are others that are more
19 expert in this, but I'll try -- that are in this
20 room, I think, but I'll try and quickly summarize
21 the two that just -- the first of which, which has
22 a fair amount of research behind it, is a school
23 like Positive Behavior Supports or Interventions
24 and Supports, and I see some heads nodding from
25 people that recognize that that -- that is a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 pretty stunning track record, where it's been
3 implemented with fidelity, and there's a big
4 difference between places that implement it and
5 places that really don't do it with fidelity.
6 Philadelphia, unfortunately, is not one of those
7 that's been doing it with Fidelity.
8 But what PBS -- which Positive
9 Behavior Support, we often just say. There's a
10 couple more features of that and I'm borrowing
11 from a really good report that folks at Pubic
12 Citizens for Children and Youth, PCCY, did, on
13 this that -- it's a focus on prevention, first of
14 all, rather than reaction to discipline issues.
15 It starts with very clear, limited -- very clearly
16 defined expectations that are taught to students
17 very early and often, and it focuses on
18 acknowledging good behavior as sort of the idea
19 here through a series of reward systems.
20 Another focus feature is that it's
21 done consistently -- that problematic behavior is
22 addressed quickly, clearly, consistently. I think
23 one of the things that keeps getting -- that I
24 feel like I keep getting labeled with as being
25 soft on discipline. And I think that that's a

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 really important thing for those of us who are
3 looking to reform these sort of practices, is to
4 dispute that not at all -- I mean, that
5 discipline -- when there's misbehavior, schools
6 need to react, absolutely, and they need to react
7 firmly and quickly. The question is: Should we
8 be excluding kids for those things and where
9 should our focus be? Should it be more on that
10 reaction or should it be more on that prevention
11 before we get to our reaction? And then how we
12 react is a big part of that.
13 Another quick thing about PBS is
14 that -- is there's a continuum, and it's very data
15 driven, and that you look at where in the school
16 you're having problems. Is it every day between
17 fourth and fifth periods, kids try to listen,
18 particularly, only to lunch, then that's where you
19 need to be focusing your efforts on in preventing
20 problems.
21 And there's a range of feature
22 PBS's, it's a range of services. There are
23 certain things that are done for all kids, and
24 it's sort of a pyramid, and there's this certain
25 -- 15 percent or so of kids that require slightly

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 more interventions to prevent behavioral --
3 problematic behavior.
4 And then there's the absolute top
5 of the pyramid kids, which is a very few -- very
6 low percentage, frankly, of kids that require even
7 more interventions. And that through a consistent
8 approach to this, we've seen schools have just
9 dramatic results. Discipline referrals are being
10 slashed in half. The amount of time teachers
11 spend on discipline cutting so -- being reduced so
12 far that -- that -- I mean, the amount of
13 instruction the kids are getting is improving and
14 we're actually seeing schools that are doing this
15 improve test performances as well. So PBS is one
16 of the big things.
17 And the one that I'll just briefly
18 mention is the restorative justices -- restorative
19 practices programs. There's a -- in Pennsylvania,
20 we have what's become one of the preeminent
21 practitioners of this is the International
22 Institute for Restorative Practices is in
23 Bethlehem, PA, and they have -- I went there
24 recently and was struck by it. We're training --
25 the people over there, it was the majority of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 people not from Pennsylvania. People coming from
3 all around the country, people coming from all
4 around the world to learn about their methods and
5 yet they're more with them than Pennsylvania
6 folks, which is fairly upsetting.
7 But they actually have done some
8 great work and there's some materials in your
9 packet about -- an article, at least, about that
10 and if you live here in Philadelphia, West
11 Philadelphia High School saw a dramatic
12 improvement after they were trained by the
13 International Institute of Restorative Practices.
14 MS. CLARKE: Any last wishes on
15 behalf of the panelists before we turn this over
16 to questions?
17 MR. WILLIAMS: I got what I wanted
18 to say.
19 MS. CLARKE: Okay, Brandon.
20 MR. WILLIAMS: Basically, I was
21 focusing on the SAT's because you notice how the
22 scores in this state is, like, real low, SAT
23 scores, things like that. I feel as though, like,
24 the schools should be, like, focused more on,
25 like, what's on the SAT's because a lot of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 times, like, kids don't really know what's on
3 SAT's when they get where they have to take them.
4 And then, like, it's, like, they're real stuck on
5 certain things that they don't understand. And I
6 feel that the high schools should, like, give them
7 that extra information.
8 And my second reason was, better
9 recreation. Recreation meaning, like, more
10 outside time. You know, because most of the times
11 nowadays, it's, like, kids is, like, in school,
12 like, eight hours a day. Most of them, the whole
13 entire day, they are in school sitting down all
14 the time. That's not -- that's not real good for,
15 like, your heart, it's not really for that. I
16 feel they should have better exercise, more
17 recreation time and less assessments.
18 Because a lot of schools, like,
19 they give, like, a lot of material, too much
20 homework and things like that. I feel as though
21 they should teach all the stuff they need to teach
22 in the classrooms and teach it thoroughly because,
23 like, you don't really need too much assessments
24 just to prove you know the material.
25 And my fifth one was better credit

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 programs basically, like, to redeem the credits.
3 Like people that have been left back years ago --
4 years back, they need to redeem those credits.
5 And, also, I wanted to go back to
6 what I said about the SAT's and, like, basic
7 assessments. Basically, I feel as though, like,
8 they should also stick to what kids relate to, the
9 students relate to. Like when they go in schools
10 and they teach American history and things like
11 that with regards to, like, the Presidents and all
12 that, that's all good, but, like, most kids
13 need -- we need, like, stuff that relate to our
14 race, because you see me, I'm multiracial, I'm
15 mixed with, like, five other races, so I need to,
16 like, know a little more about my races. You
17 understand? Like, I really do.
18 MS. CLARKE: Thank you, Brandon.
19 And thank you very much to our panel. Five
20 minutes for questions. Andy?
21 UNIDENTIFIED SPEAKER: So just
22 because I'm sitting in a room with a bunch of
23 lawyers, I want to put something out there. I
24 think Youth Action For Change started this chapter
25 this year. This is our first year. Brandon's one

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 of our founding members, and we have a lot of
3 young people who tell a lot of the same stories
4 and it's really -- it's disheartening. And as you
5 build personal relationships with young people, it
6 starts to really get at you.
7 And I think we talk about it in
8 all these vague ways. Like one little mess up
9 here or this didn't work there, and not really
10 realizing, actually, the impact it has on people's
11 lives. And so for us and when you see Brandon's
12 part and the group of young people who are working
13 on a report, Real Voices in the Dropout Crisis.
14 We have another report that's being done by young
15 people in our program that are working on zero
16 tolerances. Both of those are being released in
17 November.
18 But Raheem, for example, is in DC
19 right now speaking at the Department of Education.
20 He's speaking at the White House, meeting with
21 senators and congressmen about his story. He
22 talks about how he was kicked out of his school,
23 John Wanamaker, in seventh grade and never was
24 given a hearing, never -- his mom was told to sign
25 a paper. He was shipped to CEP, where he was

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 severely abused. And now CEP doesn't have a
3 contract, right, so we figured out, after seven
4 years, that CEP doesn't have a contract, they're
5 no good. So what happens to all those kids that
6 didn't make it through that program? What legal
7 strategies can they employ?
8 You know, my father's a lifelong
9 schoolteacher in the classroom. He says if a
10 medical doctor doesn't read a couple journals a
11 week, they get sued for malpractice. One of the
12 answers is suing school districts for malpractice
13 and holding them accountable. And so we have a
14 lot of -- we have a lot of young people who have
15 fallen through the cracks now, who are 18, 19, 20,
16 without high school diplomas at the complete
17 failure of the school district.
18 And so, you know, when they're
19 doing illegal things, like sending kids to
20 disciplinary schools without parents understanding
21 what's going on. So just, you know, a little food
22 for thought. I'm going to put them out, since
23 we're in a room of lawyers. Any creative ideas,
24 we're open to them. We've got a lot of young
25 people who can give some really great testimony to

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 move forward on some kind of legal strategy.
3 MS. CLARKE: Thanks. Let's see,
4 Harold?
5 UNIDENTIFIED SPEAKER: I'm not
6 trying to answer the question, so this is a
7 different one. I was struck by how nothing was
8 said about school security and policing as
9 possible contributing factors for kids being
10 pushed out of school. Any reflections? Is there
11 a perception that there's a problem? That seemed
12 to be kind of a missing element of this
13 conversation.
14 MR. WILLIAMS: Oh, yeah, I meant
15 to ask you that. I meant to talk about that, too.
16 Basically, like, I feel as though, like, the
17 security in the schools is, like -- it's like
18 they're not properly trained, you know, because,
19 like, they don't know how to be security. They
20 don't know how to be police. Like, you're not
21 supposed to put your hands on the students,
22 period, unless you have the right reason for doing
23 so. I also feel as though, like, they really
24 shouldn't verbally abuse students neither because
25 a lot of security guards, they get away with that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and some students, they put out reports on that
3 saying such and such, he said something to me
4 really disrespectful, he said something real
5 racist and derogatory and I didn't really like
6 that. And I feel as though they should move
7 strongly on that.
8 MR. LAPP: Well, I was going to
9 say Harold should be answering your own question
10 because you probably can speak to this as well as
11 any of us.
12 But last week -- or it's been two
13 weeks ago, some of you may have seen in the
14 newspaper a small, little article that 60 police
15 officers in the School District of Philadelphia
16 from schools all around the City were trained. It
17 was coordinated by the Mental Health Association
18 of Southeastern Pennsylvania. And they brought in
19 advocates from all around the City. They brought
20 in students to help train the kids. It was five
21 days, forty hours of training. And the police
22 officers came out to the person saying, "This is
23 the best training I've ever had. This is going to
24 be an incredible change to the way they work with
25 kids." The point is the same as Brandon's, the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 training makes a huge difference for that.
3 And yeah, so that came out and
4 then, at the same time, there was another article
5 about the -- Chief Myron Patterson, who's a person
6 in the district, saying, "We're going to turn this
7 school police force -- we're going to model it on
8 our city police force," and it was so -- I was
9 feeling schizophrenic because you have, like, two
10 different messages coming at the same. So, yeah,
11 I think that's a huge problem.
12 The other thing I'll just add
13 quickly is, you know, the model that a lot of
14 people point to is what Judge Steven Teske has
15 done in Clayton County, Georgia, where he brings
16 in the police, school resource officers, they're
17 called, and the social service agencies, the
18 school and, as a judge, he calls them all together
19 and makes them talk to each other and makes them
20 work together and they've seen pretty dramatic --
21 really dramatic improvements there, and they have
22 the police officers actively engaged in trying to
23 reduce the number of referrals that they're making
24 to the juvenile justice system, and sort of
25 empowering police as part of the solution for

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 reducing referrals and it seems to make a
3 difference there.
4 I'm almost nervous about that
5 approach because I know there's been horrible
6 problems with school police in our schools, so it
7 seems dangerous to encourage the use of more
8 police. But by any means, it seems like the
9 police we are using, we really should be training
10 them.
11 MS. CLARKE: Other questions?
12 Deborah?
13 MS. MEIER: Comments and then a
14 question to you. First of all, by the way, we
15 have found ways to get the police out of our
16 schools. I think it's a very odd thing to bring a
17 policeman into schools who are not accountable to
18 the school, but to their own hierarchy, and if
19 they're going to be there, they should be well
20 trained, but it -- and it's possible.
21 A good school should not
22 require -- a halfway good school should not
23 require a policeman in the school. And I can give
24 you the names of a variety of schools, including
25 Walt Whitman in New York, that has, you know, 1800

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 kids in it and there's no -- in most of the high
3 schools in New York, you go through a security
4 check up. I mean, it changes the very nature of
5 schools when you have to come in first and go
6 through the security. They have long lines --
7 Brandeis High School, which was referred to
8 earlier, they have a line forming every morning as
9 they go through security. It's like going on the
10 airplanes. And I think it sets a terrible tone.
11 Second, I just wanted to remind
12 you because you said by second grade, if they're
13 not reading. In the highest scoring country in
14 the world, Finland, they don't even start any kind
15 of teaching of reading until they're seven years
16 old, which is the second grade. So it's not that
17 children can't learn to read later, because
18 they're already labeled a failure, and once you're
19 labeled a failure, there are serious consequences.
20 MS. CLARKE: We have 30 seconds to
21 this program.
22 MS. MEIER: Okay. But I
23 especially know -- I think there are two separate
24 issues here and it would help the public to
25 distinguish them. Parents want the bad kids out

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 of the class, and the parents of the so-called bad
3 kids have a self-interest and sort of a due
4 process. And there are cases, I think, that work
5 with the school distinguishing whether their
6 reason is to -- whether they're taking the kid out
7 for the sake of the other kids or whether they're
8 taking him out for his sake.
9 And as someone who was the
10 principal of many schools over the years, it's
11 helpful, to me, to realize what I'm doing and what
12 my purpose is and then think how to proceed, but
13 not to be hypocritical and remove kids where you
14 have no idea, at least to that moment, anything
15 better you can do for them and that you are really
16 using it for a different purpose.
17 MS. CLARKE: If anybody --
18 MS. MEIER: I just wonder if
19 there's some way we can acknowledge those two
20 separate purposes.
21 MR. LAPP: The one thing I meant
22 to say earlier, which is right on point with that,
23 is that same study that I referred to, the Skiba
24 and Losen study, looked at schools with high
25 suspension rates and compared them to similarly

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 demographic schools and found that, you know, the
3 schools that are suspending more, it's not -- you
4 know, the idea is get rid of the difficult kid so
5 the other kids can learn. Right? But that
6 doesn't happen. That when we do that, those
7 schools are actually performing worse. All the
8 kids. That when we're getting rid of -- when
9 we're getting rid of bad kids, everybody is
10 somehow suffering. So we -- we're just -- we're
11 working on a false premise when schools work on
12 that.
13 So I think you're exactly right,
14 schools need to know that, that that doesn't help
15 and that we need to stop removing kids for that
16 purpose, and that's hard to hear. As a parent
17 with two kids in the schools, there's a sort of
18 visceral reaction you have, that there's kids
19 drunk in the class and you think that getting rid
20 of that kid is going to help for your kid, but
21 that's not what the evidence shows.
22 MS. CLARKE: Thank you all. Let's
23 give our panelist a nice round of applause.
24 (Applause.)
25 MR. JOSEPH: Okay. Here's the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 plan for the rest of the day. You have a
3 seven-minute break and then we'll be meeting with
4 the next panel and I'm telling you, the next panel
5 has lost three minutes. You've lost 18 of your 15
6 and I've lost five of my 15.
7 (Whereupon, a recess was taken.)
8 MR. JOSEPH: I'm turning the
9 podium over to Jenny, again, and we'll getting
10 going.
11 MS. CLARKE: Okay. So this is the
12 time we've had all the experts in the room and
13 this is the time we really want to engage you.
14 But if you'll bear with us for a few more minutes,
15 we have two national experts in civic engagement
16 here to set the stage. Because what we want to do
17 is we want to talk about solutions now and we want
18 to build on Dr. Simmons's exculpation to us to
19 begin to build cross community platforms.
20 But before we do, I think some of
21 us may need a little instruction about how to do
22 that, so we have two experts in the subject. We
23 have Brian Armstead, who's the director of civic
24 engagement of the Philadelphia Education Fund, and
25 we have Amanda Brown, senior vice president of the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Public Education Network.
3 So what we're going to do, just to
4 set the stage, is we're going to ask, first,
5 Amanda to talk to us about the necessary
6 conditions for effecting change in public
7 education. What are the tools that we have
8 available to us as -- since we aren't necessarily
9 the parents or the students, what are the tools
10 that those of us have?
11 MS. BROWN: Thanks, Jennifer.
12 Look, I will talk about tools, but
13 just two minutes of background, so you know. The
14 Public Education Network is a network of
15 community-based organizations, like you have here
16 in Philadelphia with the Philadelphia Education
17 Fund, who are all over the country in high poverty
18 school districts, and they're working to try and
19 improve public education. And they really do that
20 in two -- sort of broadly speaking, two major
21 strategies.
22 One is working directly with the
23 school districts, and Brian's going to tell you
24 more about the pathways, things like the College
25 Access Program and who's passing out scholarships

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 and so working, really, to try to improve what's
3 going on in the school district.
4 And the second strategy is public
5 engagement, which we've heard some about today,
6 and I think Warren laid a terrific foundation for.
7 But the premise there is, really, that the schools
8 can't do their job alone. They need the support
9 of the entire public. And when we think about the
10 public, we mean not only the organized stakeholder
11 groups, the institutions and sort of formal
12 entities of those facilities, we also mean general
13 public, the voters, the citizens, the folks like
14 you and I and others, that -- others that are less
15 informed about public education, but need to
16 understand why education is important in their
17 communities, even if they don't have kids in the
18 system and why they should care.
19 So we think about sort of three
20 roles of that citizen, that member of the paths.
21 One is setting expectations for its schools,
22 right, demanding that there be high quality
23 schools in their community.
24 A second role has to do with
25 holding elected officials accountable and when you

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 go to the ballot box, that you're thinking about
3 public education when we're deciding who to vote
4 for, whether it's the mayor or it's a local
5 official or if it's the President of the United
6 States.
7 And a third role has to do with
8 allocating resources and whether that's
9 fundraising, whether it's a tax levy, those are
10 really the key roles that citizens play. It
11 doesn't have to do with tutoring -- that's good,
12 too -- but it has to do with the civic roles that
13 Americans play. And you can read more about that.
14 In fact, there's a chapter in the materials
15 written by (inaudible) that goes into a lot of
16 detail about those roles.
17 So our local education funds, who
18 are involved in a public engagement, do a number
19 of things to try and flesh that role out. Right?
20 They'll hold candidate boards, like school board
21 elections, it's held in a round. They'll
22 translate the school district budget into
23 layperson's guidance for the district budget
24 because otherwise it's impenetrable, so people can
25 get educated about the dollars meant for the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 schools.
3 In New Jersey, our local education
4 fund in Paterson for many years would do fact
5 sheets on the various Abbott decisions. What does
6 it mean for you in terms of pre-kindergarten?
7 Right? So people would begin to understand what
8 was going on in their school districts and why
9 it's important.
10 And they would hold community
11 forums, and this gets to, really, one of the
12 things that Warren talked about at lunch, the need
13 to have institutional commitment at the community
14 level for high quality schools and, really, a
15 community understanding of what that means and the
16 various roles that that -- the ways that that
17 plays out.
18 So one example for that -- of that
19 is our Mobile Education Fund, which he made
20 reference to, which held community meetings
21 engaging 1400 members of their community across 50
22 different conversations, living rooms, community
23 centers and so on, and they developed, through
24 that, a strategic plan. They then had a
25 representative of each of those 50 come together

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 in a 50-person sort of cadre that developed a
3 strategy called "Yes, We Can" for the Mobile
4 community.
5 And it was subsequently endorsed
6 by the school board, the mayor and the governor
7 got involved, and it has become the foundation for
8 the plan of that school district. And if you ask
9 our LEF director, local education fund director,
10 in Mobile, she will tell you that that plan is
11 owned by the community so that if she got hit by a
12 truck, it would continue.
13 And in the implementation of that
14 plan, they've gotten, you know, churches to help
15 with tutoring. They have 700 community partners,
16 businesses and other institutions in the
17 community, to play a role in supporting their
18 public schools.
19 So, Jennifer, you asked about
20 tools. I'll do two quick tools, and then turn it
21 over back to you and have Brian talk more about
22 what's happening in Philadelphia. But there are
23 two tools that I would draw your attention to, and
24 there's a flier, again, in your materials about
25 each.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 I mentioned that we think about
3 the public both in terms of formal institutions as
4 well as the general public. So one of the tools
5 is called "Give Kids Good Schools." It's an
6 eadvocacy campaign that's meant to get the general
7 public, a person who cares about education,
8 doesn't know, really, what they can do, may not
9 have kids in the system, what can I do to help
10 schools? That website -- and there's also,
11 actually, a "Give Kids Good Schools" week coming
12 up in October where there are activities going on
13 around the country.
14 But you can learn, vote and act.
15 So it's a call to action in support of public
16 education. And the website gives you, again, very
17 layperson friendly tools to questions that I can
18 ask my school board member or of my teacher or how
19 do I tell if my school is good. So it's sort of a
20 standard case agenda in ten easy bites. You can
21 learn what makes for a good school.
22 You vote: Again, thinking about
23 elections this year in particular, what are the
24 kinds of questions I should consider when I decide
25 who to vote for. And action: I can take action

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 from my desktop. I can send letters to Congress,
3 that sort of thing. So there's a set of tools
4 there.
5 The other is called a civic index
6 for public education. It has to do with more
7 formal institutions in the community that can play
8 a role in support of schools. They can be, again,
9 how we've come to understand, that schools need
10 the support of institutions within their
11 community, whether it's higher education or
12 business or parent groups. We've divided the
13 community up into ten sectors and we have those
14 formal groups that you would expect, but also some
15 maybe less obvious suspects, like how well does
16 the media cover public education in my community?
17 To what extent does my community get into the
18 values of tolerance and inclusiveness? Those
19 sorts of indications.
20 And, again, the flyer that's in
21 your materials has a list of what those ten steps
22 are. And again, in the website, there's a public
23 opinion poll. It's based on polling. The
24 community can do like sort of a self-assessment of
25 how well its community, in those ten areas, is

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 supporting its public schools. It can do an
3 assessment. It can then go to the resources and
4 other tips that are provided to figure out how to
5 respond when they get a low score in a particular
6 area. And again, it's about using that data to
7 engage the community to come up with a plan that
8 says, here's where our community is, here's where
9 we needed it to be, how are we going to get to
10 there and have a community engagement process that
11 allows people to take appropriate roles in
12 supporting schools.
13 MS. CLARKE: So we've talked a
14 little bit about what the tools are. And before
15 we launch into our discussion, for those of you
16 who aren't actively engaged, I'd like Brian to
17 just talk to you about what we already have in
18 place in Philadelphia. We're not starting on a
19 blank slate. We, in fact, have a number of very
20 effective and broad platforms.
21 MR. ARMSTEAD: Thank you. Let me
22 just first say just a little bit about the
23 previous questions about the -- I think it's
24 important to note to people who don't do civic
25 engagement on a regular basis that you may get

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 confused if you listen to different people talk
3 about what civic engagement is or is not, and I
4 think it's a little bit important to be able to be
5 clear, especially when most of us in the room will
6 probably have a similar idea.
7 And so, basically, what I'm
8 getting at is one of the things you talked about
9 is organizations that support schools, so they may
10 be doing tutoring, whether they're doing mentoring
11 or helping to connect to providers of business
12 programs, you're arranging for businesses to help,
13 you know, provide some services to the teachers of
14 students in a school. Very nonthreatening kind of
15 supportive ways of going about it. That is a form
16 of civic engagement. And typically, when school
17 districts say they want to have civic engagement,
18 that's what they're asking for.
19 But what we're going to be talking
20 about today is more about advocacy. And it's
21 really more about how do you actually define a
22 position that's going to make a substantive move
23 forward and actually fight the power fights,
24 organize yourselves, really try to figure out what
25 the dynamics are, who's against a position, who

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 has their own ideas, how to actually go about
3 influencing something and moving an agenda
4 forward? Which is different, but I think it's
5 important to talk about that because you'll get
6 different responses from people inside and outside
7 of the power structure and, often, there are
8 arguments about things and people aren't even
9 having the same discussion with the same language.
10 So I just wanted to be clear about that.
11 So when I was asked to talk about
12 initiatives that are happening in Philadelphia, as
13 in much of the country, you know, the tools of
14 civic engagement are often just provided for me.
15 Right? So you have local groups, like Research
16 For Action, doing incredible research. Right? Or
17 you have -- somebody mentioned PCCY, Public
18 Citizens for Children and Youth, that are very
19 good at providing advocacy groups. They're not
20 pure research in the same way that you do it or
21 the Consortium in Chicago may do it, but what they
22 do is really figure out the issues that are going
23 on, let's say, around zero-tolerance and positive
24 behavioral supports and school climate, and they
25 really make a case for moving forward in a certain

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 direction. So those are two sources of
3 information that, if you all want more, those are
4 places you can go for more information.
5 The Philadelphia Education Fund,
6 we are very good at convening people. I think one
7 of the things that Warren talked about which is
8 really true, is that it's hard for any individual
9 or any particular group to go about fighting.
10 Again, this is about power constructs, right, and
11 how to really influence an agenda. And so it's
12 hard for any one of us, or when Amanda and I get
13 up on our soap boxes and convince people that they
14 need to make a certain change. So how do we build
15 a collective will?
16 A part of that, a large part of
17 that is informing people, but then also convening
18 people, and that's what we do, particularly at the
19 PA Ed Fund. So we do something called The
20 Education First Compact, which is a pretty broad
21 array of education stakeholders looking at public
22 education in Philadelphia. We meet once a month.
23 And again, if you're interested in that, come and
24 see me after and I can give you more information.
25 We also convene the Math and

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 Science Coalition, which are businesses and other
3 people that are really interested in improving
4 math and science education. Right? And so
5 there's all sorts of reports talking about the
6 fact that we're falling behind the rest the world.
7 But how do you actually go about making changes in
8 the teaching and learning that's taking place in
9 the classrooms to make sure that improvement is
10 made in the classrooms around teaching and
11 learning?
12 There's -- Ron Cowell was here
13 earlier. His organization, the EPLC, have really
14 led a state-wide coalition around state funding.
15 And again, I'm moving quickly because of time, but
16 I can go into more depth of any one of these that
17 people want or you can see me afterwards, but
18 there's an incredible coalition in the State that,
19 if you're not plugged into, around trying to make
20 sure there's equitable and adequate funding. This
21 is another avenue. There's an established
22 coalition that you can plug yourself into that can
23 help give you the language and talk to you about
24 which elected officials are the people that we
25 need to target and how do we go about really

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 trying to influence that agenda.
3 Last year, there was a
4 particularly, I think, effective collaboration,
5 the Education First Compact, which we convened,
6 joined forces with a group called the Cross City
7 Campaign for School Reform, which is a coalition
8 of grass root organizing groups, so parent
9 organizers, student organizers, they got together.
10 And so together, the compact, which especially
11 deals with a lot of institutional folks and
12 organizational folks and the grass roots folks
13 from Cross City, came together around the
14 Effective Teaching Campaign, which really
15 influenced a lot -- the beginning of last year and
16 going back a little bit, the school district was
17 developing their -- you know, their strategic
18 plan, so we had a lot of input into that; a lot of
19 budget implications. Once they developed a plan,
20 what it actually would spend money for; a lot of
21 implications for that.
22 Over the summer, last year,
23 Michael Churchill, in particular, at PILCOP, and
24 also I see Alfredo Compo who was in here, also,
25 really played a significant role in the ending of

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 the desegregation court hearing that had been
3 going on for decades in the City. Well, the
4 result of that were some things that I think can
5 really make a positive impact for Philadelphia if
6 we now monitor them. So -- but a lot of that was
7 as a result of the work that came out in the
8 Effective Teaching Campaign.
9 And, of course, the final piece,
10 really, was the contract between the teachers'
11 union and the school district, which, frankly,
12 neither side wanted any community input into. But
13 I think that we were able to have some significant
14 impact to try to help them re-think what they're
15 doing and what their final agreement came out to.
16 There are a lot of other examples
17 as well, but limited time.
18 MS. CLARKE: Well, what we have is
19 we have a very rich, densely-worded, existing
20 group of platforms. So now what I want to do is
21 turn this over to you, and I'm going to ask a
22 multipart question and I'd ask any of you to
23 address any parts of it, and that is: What are
24 the substantive matters that we, as a community,
25 should be working on? What are the things that we

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 aren't working on that we need to work on, how do
3 we work on them, and who's missing from the table
4 in all of the current collaborations? Who's
5 missing from the table? Who are the stakeholders
6 that we need to engage?
7 I'm going to ask you all to talk
8 about that now and then, at the end of the day,
9 I'm going to ask what you are willing to do. So
10 be careful if you stand up. Anybody want to go
11 first? And, Brian and Amanda, I hope you'll just
12 chime in as we go.
13 DR. PERRY: This is more of a
14 question than a comment. I'm wondering, given the
15 current climate that we exist in, are there places
16 in the City where ordinary people can routinely
17 talk about the issues that Warren raised in his
18 presentation? Are there places where people can
19 talk about the control that corporate leaders
20 have? Because what I find, you know, folks are
21 confused about what's going on. They -- I don't
22 know how many people have been -- and they were --
23 they found the wait -- ordinary people found the
24 Waiting For Superman movie compelling, but they
25 knew something was wrong. So how -- are there

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 places where people can routinely have these
3 conversations with ordinary people that build an
4 understanding of the political climate in which we
5 are operating in?
6 MR. ARMSTEAD: You know, I'll
7 speak locally and then maybe we can talk about
8 other cities. But, yes, there are some
9 opportunities, but not nearly as many as I can
10 think that there need to be. So one thing, there
11 are organizations that periodically will hold
12 forums -- and those are good -- but what I'm
13 getting from you, and I completely agree with, is
14 we need something that's really more ongoing and
15 people can plug into when they're ready to start
16 having those conversations.
17 You know, there are groups that do
18 outreach and have conversations with people. They
19 tend to be more, I think -- the more consistent
20 they are, the more localized they are. So, for
21 example, you have some people from Action
22 United -- it used to be ACORN, now they're Action
23 United -- that are back in the neighborhoods,
24 they're organized again. They have continual
25 conversations with their leaders, right? But how

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 do we have that happen so that people across the
3 City have an opportunity to plug in?
4 I mentioned the compact, but, to
5 be honest, that happens 8:00 to 10:00 in the
6 morning, the first Thursday of every month. It's
7 meant for people who work at organizations because
8 it's easier for them to spend some time in the
9 beginning of the day and then they leave and they
10 do the rest of their work. But we need to think
11 about how do we develop some kind of a vehicle to
12 have similar kinds of information going to regular
13 people and give them a chance to actually talk
14 about what they're hearing and voice their
15 thoughts and their concerns.
16 So that's a partial yes, but, to
17 me, it's an identifiable need that we have to
18 figure out how to really address.
19 MS. CLARKE: Other comments?
20 Michael.
21 MR. CHURCHILL: One possible tool,
22 frankly, is the public school Notebooks website,
23 which has a very rich interactive conversation and
24 which could really be built on if we decided to
25 expand it and use it. But there are a number of

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 topics that control and then there are huge
3 numbers that don't, and we haven't figured out how
4 to use that tool yet, but it's certainly one that
5 is potentially there.
6 MS. BROWN: Jennifer, I have an
7 additional comment on this subject. And I think
8 there's the physical space in Philadelphia, but
9 certainly there's an environment with this huge
10 influx of mass media attention to public education
11 that provides an opportunity for us to engage
12 around the issues that get raised. So people have
13 all different takes, most of whom are not so hot
14 on Waiting for Superman, but it does provide an
15 opportunity for people to convene conversations
16 about the issues that are raised.
17 And there are actually another
18 half dozen education documentaries that are, of
19 course, not getting anywhere near the attention,
20 but that also have a different perspective. And
21 Community Concern is one. From August to June.
22 There are about five or six out there, they all
23 have websites, and they have conversation paths
24 and so on.
25 The attention that Channel 4, that

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 NBC has given with Education Nation, there were
3 several conversations earlier this week on the
4 Today Show, I guess it was Meet the Press and so
5 on. The coverage that a lot of the newspapers are
6 now giving to education in a more thoughtful way
7 than sort of the crisis of the moment, these are
8 good news. Today, USA Today, they reported on the
9 issues of the Supreme Court (inaudible.)
10 So I guess I'm just raising this
11 as an opportunity to sort of take issues that get
12 raised, the fact that it's in a little bit more of
13 the mass media, I think is a good thing because we
14 have a chance to shape the conversation in the way
15 that we want.
16 One of our challenges, though, is
17 that we don't have -- and Warren talked a little
18 about this -- is we don't have the message in a
19 succinct way. Right? We can't say, as they do,
20 charters, union is bad; you know, tests, school
21 testing. We don't have this sort of one-word
22 answer that they do. And so one of the
23 challenges, I think, when we go into these
24 community conversations, we say community
25 engagement. And we, even on the panel have

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 different definitions of what we think it is and
3 we aren't positive of the definition. So how do
4 we define community? Well, who's in my community?
5 Is it my block? Is it my school district? Et
6 cetera. So it's -- that is a big challenge for
7 us, is trying to get some of this lesson learned,
8 but I think the opportunity is there more than
9 it's been in awhile.
10 MR. ARMSTEAD: If I can just say,
11 also, I'm glad you said because, you know, Jenny's
12 going to be asking what you all can do, and part
13 of the reason that we don't have the kind of
14 conversations that I would love to see happening
15 in Philadelphia is simply a capacity issue.
16 But if there are people that are
17 out there in this audience and you happen to know
18 that, in your neighborhood, you'd love to see a
19 certain conversation happen, but you just don't
20 have access to the people or the information that
21 could really facilitate that conversation or what
22 have you, we can do that. We can help you plug
23 the right people in to come in and either
24 facilitate or meet or inform your group and
25 inspire a discussion or what have you.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 But, often, it's the logistics of
3 trying to make these meetings happen, to make sure
4 you actually do it right to get people to come out
5 which takes a lot of energy and effort because you
6 have to plug yourself into a community. And so I
7 don't know the neighborhood, it would take me nine
8 times as long to get people to come out than if
9 you do it because you know your neighborhood or
10 your work community or your professional community
11 or whatever it is that you feel needs to get
12 informed on these varies issues. So I would
13 invite you all to think about that, about the role
14 that you can play as a person to connect us to
15 your communities.
16 MS. CLARKE: Sheila.
17 UNIDENTIFIED SPEAKER: Okay. I
18 like your question and I think it's an excellent
19 question to ask, and I think the answer is that I
20 don't think that we actually have a place. And I
21 do feel that there is a disconnect really almost
22 between the education community and the community
23 in general.
24 And I think, just to answer
25 Jenny's question: Who's missing is parents. You

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 know, I mean, we have people who work in community
3 engagement and civic engagement, but that's not
4 the exact same as someone whose job is I work in
5 the mail room and I'm just a parent.
6 And in Philadelphia --
7 Philadelphia is -- it's a community that has a lot
8 of poverty, and it's a community where a lot of
9 parents didn't even finish high school, where like
10 the parents are probably operating on an eighth
11 grade reading level and that nobody cares about
12 our parents in Philadelphia. They don't know what
13 we're saying.
14 We have our meetings, you know, we
15 speak in jargon, we speak the language, you know,
16 we speak the acronyms. I've been at PCCY for
17 four-and-a-half years, I've worked at the Notebook
18 two years before then. It took me years to
19 understand this language, so I don't think that we
20 are talking to their -- talking to parents,
21 talking to regular people in a way that they can
22 understand. And we talk about this in the
23 education community a lot, that a lot of times we
24 don't even have -- you know, we have meetings
25 during the day for those of us who are

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 professionals. During nine to five, we can meet
3 and talk about these situations. Parents have
4 their own jobs from nine to five. It's really
5 hard for them to get to these types of
6 conversations.
7 PCCY actually has -- we do
8 advocacy workshops and that starts with a survey,
9 we try to teach parents and community groups what
10 is necessary for a good school, because a lot of
11 them don't know what the class size should be, how
12 much experience a teacher should have. They don't
13 know these things, and so I think there is a
14 disconnect.
15 You know, I'm tired of Waiting For
16 Superman, but I have to say that Waiting For
17 Superman opened the conversation up to the
18 ordinary person, but it's something that we can
19 work on.
20 MS. CLARKE: We've been talking a
21 lot about process, but how about substance? What
22 is our one word? Bill.
23 MR. JONES: I've been concerned
24 today. I haven't heard anything about what
25 happens in the classroom. We've talked a lot

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 about curriculum, involvement, the government.
3 I'm concerned about pedagogy. As far as I can
4 tell, we're still trying to teach the same way we
5 did a hundred years ago, by and large. We have an
6 entirely different population out there today. We
7 have enough people who have a different
8 perspective on life and a different background.
9 A hundred years ago, the
10 competition was a church service or a play or
11 something like that. There was no, you know,
12 iPods and computers and videos and all this other
13 stuff competing with us. We have to change the
14 entire way that we teach in schools. That's why
15 they're dropping out. They're bored to tears.
16 And you can talk about the other things that they
17 explain, you know, family problems and so on. If
18 they really liked coming to school, they'd be
19 there, family problems or not. That's the
20 problem, and I haven't heard a word about that.
21 MS. CLARKE: Bill, I went to
22 public school and I can't spell. Help me with
23 this.
24 UNIDENTIFIED SPEAKER:
25 P-E-D-A-G-O-G-Y.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MS. CLARKE: Deborah.
3 MS. MEIER: I agree with you about
4 pedagogy, but I'm also just thinking about what
5 Warren said about our getting the message. We're
6 not the executive board for the schools for the
7 future. And I do think we have to think of
8 something that doesn't just defer to the kind of
9 school we would like to have. So, in that sense,
10 I don't think this -- I think we're trying to
11 connect -- we can come in and agree on pedagogy or
12 exactly what's the right curriculum. It's
13 something to do with Warren's point that the power
14 belongs to the people who are closest to the --
15 like a democratic principal, the people who decide
16 things are the people inside the schools, and that
17 schools need to just -- they're reflective. It's
18 in that area that I think there's a lot of bridge
19 here. And I think somebody -- somebody needs to
20 come up with one.
21 And, you know, I think if it's
22 72 percent good, I think we should leave it at
23 that and not worry about trying to get it so that
24 I would like it at 99 percent. In other words, I
25 think we need a very short statement of what

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 unites us, and then I think we need to take a poll
3 and -- I just think of the number of people who
4 have blogs who I agree with, and the number of
5 organizations -- probably true here in
6 Philadelphia -- I always think you're so lucky,
7 you have the Notebook.
8 You know, there are five or six
9 different organizations in New York City that
10 sound exactly the same to me. They're
11 parent-based organizations for the kind of general
12 reform that I have in mind. They don't talk to
13 each other either. So I just think -- I think we
14 need some way of bringing together the people who
15 are already in action, but in isolation from each
16 other, and I wish somebody would take the lead in
17 doing that, and it could be anybody. And when you
18 say you're willing to do that for Philadelphia --
19 is that what you were saying?
20 MR. CHURCHILL: Yes.
21 (Laughter.)
22 MS. MEIER: So I just -- I think
23 we have to be very specific in getting some people
24 on the ground in different cities who are willing
25 to coordinate what is already there, and then move

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 from there, because I think there's a lot out
3 there, but everybody feels isolated and
4 everybody's trying to persuade each other or
5 somebody else and trying to find out what we all
6 agree about.
7 MS. CLARKE: I would suggest that
8 Philadelphia is unique in the sense that because
9 of the work of Brian and Ron Cowell and the
10 Education Law Fund and Public Interest Law Center,
11 there's less of that, at least among the education
12 advocates, people speaking in silos, but there are
13 a lot of people who aren't in the room and there
14 are a lot of people who aren't in the
15 conversation, and I just throw that out. In terms
16 of building a cross community collaborative, I
17 think we're okay with education advocates talking
18 to each other, but where else do we need to go?
19 Yes?
20 MS. DOUGLAS: Hi. My name is
21 Rhasheda Douglas. I'm an attorney with the U.S.
22 Department of Education, Office for Civil Rights,
23 and I've also had the distinct pleasure of being a
24 student of Professor Joseph when I was at Rutgers
25 Law School in Camden.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 And one thing that I think this
3 gentleman over here mentioned, Bill, is focusing
4 on more what's being taught in the classroom. The
5 other thing that really struck me is the young man
6 on the panel. The first thing that he mentioned
7 that was very important to him was empowerment.
8 He said empowerment, but then he went on to
9 describe having someone in the classroom that can
10 engage him, motivate him, and somewhat, I guess,
11 be a mentor to him as well.
12 I had an opportunity this past
13 spring to go into Philadelphia public schools as
14 part of my job to talk to disabled students on
15 transitioning to college, and within those
16 evaluations from those students, the overwhelming
17 majority of them stated, "Oh, I enjoyed having Ms.
18 Douglas there because she didn't talk down to us.
19 She spoke to us" -- I guess I made them feel I was
20 interested in hearing back from them.
21 I think one of the issues that was
22 mentioned is if we have teachers that are coming
23 into a community that they don't know about, that
24 they perhaps haven't had a chance to become
25 educated about and to find out more about the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 children and what motivates them and what helps
3 foster that connection there -- because I think,
4 as we all know, every child can learn, but they
5 have to be motivated to think that they can, and
6 to be motivated to think that they can go to
7 college and secure a career, but unless they have
8 adults that are willing to really not only talk at
9 and preach at them, but be a part of their lives
10 continually, they're not going to do it unless
11 they're extremely motivated individuals. And we
12 do have a few of them, but that's not the majority
13 of the students that are in public schools right
14 now. So that was the only thing I wanted to say.
15 MR. ARMSTEAD: So I actually think
16 that with your comments about personalization and
17 connection and Neal Jones's comments about
18 teaching and learning in the classroom, that most
19 of the advocates in the education community would
20 agree with you wholeheartedly. In fact, we put
21 forth a lot of different positions and try to
22 organize around, you know, various components of
23 that.
24 But sort of going back to what
25 Barb was saying, a lot of days it's hard to cut

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 through the clutter. You know, there's other
3 agendas that are out there and/or often there are
4 people who will agree, but they don't think about
5 how to actually implement anything all the way
6 through.
7 And so if you're talking about
8 teaching and learning and you're saying, well, you
9 know, we want to do something. We want to do more
10 projects next month. Right? And then someone
11 says, well, that's a great idea. We'll do that.
12 But where's the professional development and how
13 much do you actually need? Is it a one-shot deal?
14 Is it a two-shot deal? Is a session, a series of
15 three or four things? And how do you arrange the
16 day to make sure that you can have the teachers
17 available to do the professional development? And
18 what's the union's role in trying to contribute?
19 I mean, is there some flexibility that they can be
20 able to agree to? I mean, all these kinds of
21 things need to get worked out.
22 But that's where it takes people
23 to get a little bit more organized because, again,
24 that's why we're reaching out to people and saying
25 we need to grow more advocates. We need to really

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 build a stronger collective voice. We need to --
3 I think Warren's exactly right, we need to figure
4 out how we're even saying it so that instead of me
5 talking for three minutes, I can just say the
6 right phrase and it will automatically register to
7 someone.
8 MS. CLARKE: Did you have
9 something to say?
10 MR. BROWN: Yes. My name is Tony
11 Brown, and I would like to say that I am a member
12 of Action United, which is the former ACORN.
13 But individuals are asking for a
14 location or a venue where they can express their
15 opinions and get training and find out more about
16 these events and the things in which they can do,
17 I would like to welcome them to our office, which
18 is 846 North Broad Street. We are continuing. We
19 have many educational options for parents, mostly
20 parents, because we're a parent-organized group,
21 but we collaborate with the two known student
22 groups here in Philadelphia, Youth Action for
23 Change and Philadelphia Student Union. We also
24 are a part of this Four Cities School Initiative
25 and the Effective Teachers Campaign.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 But at any time anyone knows any
3 parents -- I, personally, our office, makes two to
4 four state legislator and city council visits a
5 month. Everyone's welcome to come at any time.
6 We also have a national campaign
7 in which we're working on now for education in
8 which the focus is the opportune time, and we will
9 invite anyone to join and review our platforms and
10 see if you find it fitting.
11 We're talking about sustainable
12 school systems. As the young lady was asking, she
13 said we are old and there are different ideas, but
14 we have to collaborate with the youth and get the
15 youth's ideas. We also ask for teachers to be
16 more involved in the decision making as well as
17 especially in the community-based organizations.
18 So we will gladly take the lead
19 and focus on what you need. And anyone is welcome
20 on our website, www.unitedactionunited.org.
21 Although our name has changed and we are a new
22 corporation, we're doing some of the old things
23 and a lot of new things, so please come join us.
24 There's our website, and come to some of our
25 parent-teacher meetings and we'll have some

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 interesting meetings. Thank you.
3 MS. CLARKE: What's the street
4 address again?
5 MR. BROWN: Broad Street. North
6 Broad Street.
7 MS. CLARKE: Thank you. The
8 gentleman right there.
9 MR. RUSHKIN: My name is Adewale
10 Rushkin (ph). I am a student at Rutgers Camden's
11 Law School, and I want to apologize because I'm
12 not going to offer a solution, but rather, present
13 another question.
14 (Laughter.)
15 MR. RUSHKIN: That's what happens
16 when you go to law school. I'm still in my
17 training phase, so excuse me.
18 One of the things that we started
19 with is the -- in the most devastated communities,
20 in the communities where you have high
21 unemployment rates and where you have drug abuse
22 and you have a lot of just specific family issues,
23 when we talk about civic engagement, you know, it
24 could mean different things, but when I think
25 about that, I really think about engaging the

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 people on that base, on that level.
3 The parents of the children who
4 are, you know, third, fourth generation, you know,
5 high school dropouts, I still struggle with how do
6 we get those people to enter into the conversation
7 because when I think about this conversation, we
8 have a lot of educated people in this room who are
9 interested, who are also members of the community,
10 but I always envision these collective
11 conversations simply encompassing the type of
12 people who are in this room and never really
13 finding a way to incorporate those individuals and
14 their perspectives.
15 And even the broader question is:
16 Are those perspectives -- what can those
17 perspectives actually bring to the table of moving
18 forward? I'm not sure, but could anyone speak to
19 that?
20 MS. BROWN: Sure. I think that
21 you raised it correctly and made an important
22 point and I think it can be done. We've held
23 community conversations during sort of the heyday,
24 and we even went around the country and asked
25 parents, children and community members what they

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 thought about "No Child Left Behind," what were
3 the implications for their communities. The focus
4 was: Was this work being heard?
5 And you have to address -- the
6 young lady earlier mentioned sort of the time --
7 it has to be in the evening, you have to provide
8 child care, you have to feed their kids. And
9 there are things we can do to make it easy for
10 parents to come out, but the value that you get is
11 incredibly important, because we've heard from
12 those folks things that we don't hear from
13 teachers or the administrators or folks that are
14 normally engaged in the conversation about how --
15 in this case, we were using "No Child Left Behind"
16 as the hook, but people raised every issue that
17 was of concern to them, whether or not it happened
18 to be tied to a federal law.
19 So there are ways to do it and I
20 think you, A, have to pay attention to how you do
21 it and how the facilitation is done, but it's a
22 very valuable thing to do and you can bring the
23 community together just thinking about what we
24 want, how we want our schools to look like.
25 MS. CLARKE: Michael.

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 MR. ARMSTEAD: I'm sorry, one
3 second. I think it's also important, because many
4 of us in this room will find ourselves at tables
5 where parents and students are not, or just people
6 from disaffected communities are not there.
7 Right? And so one of the things that you and I,
8 we can do when we're in those meetings is hold
9 them up until they get people that can actually
10 speak for themselves at those tables.
11 I mean, because, again, part of it
12 is, like, again, like Warren was saying earlier,
13 we have 50 people in a room who have a certain
14 world view, it's very easy for them to come to an
15 agreement because they agree anyway. Right? And
16 so how do we get more people representing a
17 broader and more diverse view at the tables where
18 decisions are actually being made. And so if
19 you're at that table, that is your responsibility
20 since you're central to it to make sure to open
21 the door to get people in. Right? So there are
22 people from, you know, student organizing groups
23 or parent organizing groups that we know are out
24 there. How do we make sure that Action United is
25 at the table that I can be at today? Or the next

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 meeting they need to be there. Youth United for
3 Change needs to be there, so they can speak for
4 themselves.
5 MS. CLARKE: Michael, and then
6 Warren, and we're going to stop.
7 MR. CHURCHILL: Well, I learned in
8 law school that you should never offer solutions
9 because they'll get shot down --
10 (Laughter.)
11 MR. CHURCHILL: -- but I'm going
12 to violate that rule, and I'm going to start by
13 telling people, they may have missed it, but the
14 Inquirer today had an editorial about what needs
15 to be done for change to improve our schools, and
16 I misplaced my copy, but if I remember right, the
17 three things that they identify were firing
18 teachers, reconstructing schools, and high
19 standards, by which, I guess, they meant more
20 testing.
21 Now, that's what the opposition
22 looks like, and I think we need to make sure that
23 we are framing our work in terms of building a
24 constituency that understands that there are some
25 alternatives to that and what it is and no phrase

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 will ever work to encompass everything. But I
3 would offer building professional capacity ought
4 to be our role, rather than destroying existing
5 relationships with teachers. That allows us to
6 talk about, when their building professional
7 capacity, training for respect that we've heard so
8 much about this morning and how it destroys kids
9 when it doesn't exist in schools. It allows us to
10 talk about the pedagogy that Bill raised and any
11 number of kinds of issues and the relationships of
12 trust and interpersonal relationships that you
13 need in schools.
14 You may come up with a better one,
15 but I want to offer the idea that we need to be
16 responsive to the political conditions that we're
17 in as we are engaging in this, and one place that
18 everybody might start is by taking a look at that
19 editorial and writing a response to it and begin
20 to start that dialog of whatever words you want,
21 but we shouldn't take that kind of stuff sitting
22 down.
23 MS. CLARKE: Okay. Warren.
24 DR. SIMMONS: We should not, by
25 any means, underestimate our power, as

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 disorganized and underresourced as we are. I saw
3 a recent example of this, the Annenberg Institute
4 support of the attitude of a new coalition called
5 Community on Public Schools, and many local
6 organizations -- Boston, Philadelphia, New York,
7 and Oakland -- contributed to that effort, took
8 part in that effort. They developed, with our
9 support, a nice glossy publication.
10 They presented it to their local
11 government there, how their schools will perform,
12 the regular schools that existed, and then they
13 came up with a particular government's position
14 and, basically, said, you know, there are three
15 elements of sustainability that we want to get
16 behind. We want a strong focus on school
17 instruction, curriculum, culture, staffing. We
18 want wraparound supports for our students and more
19 collaborations to ensure local enrichment and
20 accountability. Three fundamental issues that I
21 don't think anybody in this room has discussed
22 getting into, but there's a lack of details.
23 But nonetheless, that coalition,
24 in Washington DC, in Congress, in the office
25 building, they had two national experts present,

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 me and Linda Darling, they had members of Congress
3 show, the media showed up. And for at least a
4 week-and-a-half, I had people in the White House
5 calling me, I had members of the media calling me
6 and those people, and we had a series of articles
7 in the media challenging the administration's
8 position.
9 That's the kind of work that needs
10 to be sustained nationally and locally. And we
11 had the resources available to do that one event
12 and that one publication. We're not scrambling
13 because these guys aren't stupid. You know, make
14 sure that doesn't happen again, or maybe they'll
15 call up Linda and Warren.
16 But nonetheless, those are the
17 kinds -- so there's a coalition that exists and
18 we're part of it to inform that work. How do we
19 get that message down locally and how we can
20 change that through the upcoming opportunities
21 nationally, which are: School improvement grants
22 and how they're going to be used, how do we
23 monitor the limitations in Philadelphia and New
24 York and Boston and other places and report on it
25 locally and nationally? How do we inform a debate

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 about the re-authorization of the Elementary and
3 Secondary Education Act? That's going to be on
4 the national radar screen, and we tie our local
5 efforts together and through the coalitions, make
6 them both national and local, and we're going to
7 have some people pay attention to us.
8 But it is going to, I think, take
9 this local, national conversation. And, also, we
10 have researchers who are going to have to get out
11 these complex messages, clarify them down to three
12 or four elements for my colleagues, and I
13 recommend that. But there are groups that are
14 forming coalitions. You are part of that
15 coalition, I would make that front and center, and
16 whether there are other events, we can adopt new
17 resources, organize to get -- and get the
18 attention, because these guys are real sensitive
19 and they seem to be more vulnerable than I think
20 they appear to be.
21 MS. CLARKE: So I'm not going
22 to ask you all to stand up --
23 UNIDENTIFIED SPEAKER: I just want
24 to add to that. Based upon that presentation that
25 we did on July the 28th, the Senator requested

1 SYMPOSIUM - SEPTEMBER 30, 2010
2 that we return. So just this Monday we've had a
3 second visit with the Senate and we made a second
4 presentation concerning our national campaign.
5 I just want to add, before that,
6 an opportune time, this is the re-authorization
7 issue. So we can have all of these issues in two
8 policies and have it implemented at least to
9 reenact re-authorization. This is a great
10 opportunity for us all and a great time to have
11 more parents and communities involved in the
12 structure and the designs of these transitional
13 schools. Thank you.
14 MR. JOSEPH: Jenny, you asked if
15 you could run a tight ship and it's now about time
16 that we get there. So, first of all, thank you,
17 Jenny. Thank you, panelists. Can we have all the
18 panelists who are still here stand for one more
19 round of applause.
20 (Applause.)